LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

HEARINGS

BEFORE THE

SUBCOMMITTEE ON CRIME

OF THE

COMMITTEE ON THE JUDICIARY

HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

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LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, FEBRUARY 19, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, McClory, and Ashbrook.

Also present: Maurice A. Barboza, counsel; Timothy J. Hart, and Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. Good morning, gentlemen.

It has been almost 9 years since the 1967 President's Commission on Law Enforcement and the Administration of Justice reported that a significant reduction of crime would be possible if society would prevent crime before it happens by strengthening law enforcement, reducing criminal opportunities, developing a far broader range of techniques with which to deal with offenders and removing existing injustices in the system.

The Crime Commission called for more operational and basic research into the problems of crime and more money to be given to police and courts and correctional agencies to improve their ability to control crime. Question: Where are we now in accomplishing the goals set out by the Crime Commission?

In response to the Crime Commission's report, Congress created the LEAA by the 1968 Omnibus Crime Control and Safe Streets Act. Since then Congress has twice extended its authority. This Subcommittee on Crime begins hearings today on the reauthorization of the Law Enforcement Assistance Administration, the third time for the Committee on the Judiciary in the House.

In 1973, the Judiciary Committee proposed to Congress, and amended the Crime Control Act to provide for emphasis not only on improved law enforcement but also a strengthened criminal justice system. The process by which local governments receive their moneys was streamlined somewhat.

In addition, the original act was amended to provide for enforcement of appropriate Federal civil rights legislation. This legislation extended the authority of LEAA for 3 years. In 1974, Congress passed the Juvenile Justice and Delinquency Prevention Act which created a program emphasizing the reduction of juvenile delinquency, which is also administered by LEAA.

These hearings will focus on the future of the Federal funding effort to reduce crime. As you know, in the past 8 years, LEAA has provided to State and local governments, through its block grant funding process, more than $4 billion in Federal funds. This money has supported more than 80,000 criminal justice projects. We expect to look very carefully into the activities of the LEAA in preventing and reducing criminal activity.

To that end, we will call as our first witnesses representatives of the U.S. General Accounting Office who have, to their credit published 23 reports on the administration and policymaking in LEAA over the last several years. Members of GAO, I hope, will deal with the fundamental question of whether we are any closer now after the allocation of close to $4 billion over 8 years to knowing why the crime rate increases, and whether we have found what to do to reduce it.

In subsequent hearings, we will hear from the U.S. Attorney General and the Administrator of LEAA, on the administration's proposals to amend the act. In the days ahead, we will hear from noted criminologists and academicians, Governors, elected officials, and most importantly citizens. We will hear testimony from the Congressional Commission established to survey and evaluate the block grant approach to Federal funding as opposed to the categorical funding or a revenue-sharing approach and examine their conclusions on the utility of the block grant in Government.

We will listen to spokesmen from many institutions in the criminal justice system: The police, the courts, the corrections, the SPA's, the legislators and municipal officials. These bodies all have a financial and philosophical stake in the outcome of these hearings. Individuals and groups, integral segments of the criminal justice system, both critics and proponents of LEA will be heard.

The issues that they will address are those of major importance that have been brought more sharply in focus since the inception of LEAA. We will consider the evaluation and monitoring capabilities of LEAA over its programs and projects. We will inquire into whether theories and approaches for reducing crime have been tested in the States, and whether they have been replicated elsewhere, and how effective they have proven to be.

An inquiry will be made into the enforcement of the civil rights legislation, requiring a curtailment of Federal funding to those services and employers and grantees which practice racial discrimination. The funding and planning processes will be reviewed and an examination of LEAA priorities in crime control programs will be made.

Three years ago the major problem we addressed was "fund-flow paralysis," how to get the money out of Washington into the hands of the State and local governments. That problem, to only a small degree, is with us still. Now we find that cities and counties are receiving their moneys in a more or less timely manner but are looking for autonomy in planning and implementing their criminal justice projects. This subcommittee feels this is an important avenue of our hearings.

We will pursue the problem of the State legislature input into the comprehensive planning processes. Federal funds, of course, comprise only a small percentage of all moneys available to States to use in their fight against crime. The funds are intended to be used to initiate innovative programs and reforms.

In order for Federal moneys to be used effectively, they must be compatible with State and local funds designated by the State legislature, for criminal justice activities. LEAA projects cannot be planned in a vacuum. We will investigate methods of ensuring that State legislatures have some input into the decisions that are made as to where LEAA funds will go in their States.

I think these hearings are vitally important to our citizenry at large, who live in an increased atmosphere of criminal activity and fear of crime. It is imperative that the Congress finds that the money that is allocated through the Crime Control Act, effectively reduces crime and ensures justice as were the goals of the President's Crime Commission.

I am very happy to welcome as our initial witnesses for this hearing, the Director of the General Accounting Office, Government Division, Mr. Victor L. Lowe. With him is Richard Fogel and Daniel Stanton. The General Government Division of GAO is charged directly with the auditing of LEAA. GAO, in my judgment, is noted for its effective and objective factfinding, and investigations that it has conducted on behalf of the Congress and the Federal Government.

They have been working perhaps more closely in what ought to have been oversight capacity of the Congress and have produced numerous reports on the administration of LEAA.

And so, we welcome you gentlemen. I would like to include in the record at this time a little résumé of your professional and governmental activities. We have your prepared statement. It is a lengthy one and it will be entered into the record at this point, without objection, and then you will be able to proceed in your own way.

[The résumé and statement of Mr. Lowe follow:]

VICTOR L. LOWE

Victor L. Lowe is currently the Director of the General Government Division of the United States General Accounting Office. He is a graduate of the University of Georgia with a Business Administration degree and is a Certified Public Accountant.

All of Mr. Lowe's experience has been with the General Accounting Office where he started as a trainee in 1949 and progressed through the various supervisory levels to present position as Director.

The Division which he heads is responsible for the General Accounting Office's work in the Departments of Commerce, Justice, and Treasury; the United States Postal Service; the Small Business Administration; the District of Columbia Government; and the revenue sharing program; as well as the General Accounting Office's intergovernmental relations efforts.

Mr. Lowe is a member of the American Institute of Certified Public Accountants, the National Association of Accountants, the Association of Government Accountants, and the American Society for Public Administration.

DANIEL F. STANTON

In his 16 years with the General Accounting Office, Mr. Stanton has been involved in audits of a number of Federal agencies including the Atomic Energy Commission, the Departments of Interior and Agriculture, Small Business Administration, Public Housing Administration, and D.C. Government. Since 1971 he has been responsible for audits of the Department of Justice and the judicial branch. His current responsibilities also include audits of the legislative branch, the Smithsonian Institution, and the National Foundation on the Arts and the Humanities. He is a graduate of the University of South Carolina with a B.S. degree in accounting and in 1971 attended the Harvard University program for management development. Mr. Stanton is a Certified Public Accountant and a Certified Internal Auditor. He is a member of the American Institute of Certified Public Accountants and the National Association of Accountants.

RICHARD L. FOGEL

Since joining the General Accounting Office in 1969, Mr. Fogel has been involved in audits of various domestic programs operated by such Departments as Health, Education, and Welfare; Labor; and Agriculture. Since 1973 he has been responsible for GAO's audits at the Law Enforcement Assistance Administration and the Federal Bureau of Investigation. Mr. Fogel is a member of the American Society for Public Administration. He holds a BA degree in government from Cornell University and masters degrees in comparative politics and public administration from the University of Sussex (England) and the University of Pittsburgh, respectively. He has published several articles on program evaluation and authored a chapter in a book, *Analyzing Poverty Policy*, (Lexington Books, 1975).

STATEMENT OF VICTOR L. LOWE, DIRECTOR, GENERAL GOVERNMENT DIVISION

Mr. Chairman and members of the subcommittee, we are pleased to be here as the Subcommittee begins its deliberations concerning the renewal of the Law Enforcement Assistance Administration program. Our testimony presents our views on the progress and problems of the program. Our views are based on extensive reviews of various LEAA activities and projects. The digests of our reports issued to the Congress since passage of the Crime Control Act of 1973 are attached.

Concern about crime and its adverse effect on our society transcends political, social, and economic strata. Everyone would like to live in a safe society. But not everyone is in agreement on how to bring about such an end.

In 1968 the Congress and the Administration agreed that one way to try to address the problem was to create the LEAA program to assist State and local governments improve their criminal justice systems, and reduce crime.

Eight years later we believe it is fitting for the Subcommittee to ask whether the effort has been worthwhile and to ask whether the allocation of about $4 billion within the framework of the current legislation is the most effective way for the Federal Government to proceed to address the crime problem.

That the criminal justice system has changed since 1968 is undeniable. As a direct result of the legislation and LEAA's efforts, all States have in place established criminal justice planning units that are working toward integrating police, courts, and corrections efforts. Some State planning units are much more effective than others and some have not managed resources as effectively as possible. But one of the fundamental purposes of the legislation—to establish planning mechanisms—has largely been achieved.

Similarly, all States and many localities have benefitted from the program. Through fiscal year 1975 LEAA and the States had funded over 100,000 projects—most of which benefitted the localities at least to some extent. Thus, another objective of the legislation, to distribute moneys to States and localities to fund projects, has also been achieved.

But is that enough? What are most people concerned about when they think of the LEAA program? While we have not conducted a poll we would guess their primary concern—right or wrong—is whether the effort has reduced crime. Since the crime rate has increased, they assume the program has failed.

Any such conclusion, however, must be tempered by several points.

The Congress never clearly stated that the goal of the program was primarily to reduce crime.

Total expenditures for the LEAA program between fiscal years 1969 and 1975 represented only about 5 percent of all moneys spent for State and local criminal justice efforts.

Thirty-three of the 55 State criminal justice planning agencies established by the LEAA legislation in 1968 acknowledged they still had not been given authority by their States in 1975 to plan for the allocation of all moneys within the State going to criminal justice activities. They only planned for the use of LEAA funds.

Thus, it is unreasonable to say the LEAA program has failed because the crime rate has increased.

But is it unreasonable for people to question whether Government, in general, has failed because the crime rate continues to increase. We think not. One of the primary concerns of most people, according to a recent Gallup poll, was crime and its increase.

We do not believe either the Congress or the executive branch can ignore that concern in determining whether to extend the LEAA program in its present form.

Recognizing that the money provided by LEAA's efforts was not sufficient to directly affect the crime rate, we believe the more appropriate way to assess the worth of the program is to ask: Are we any closer now, after 8 years of the LEAA program, to knowing why the crime rate increases, and what to do to reduce it? We believe the answer is no.

Last year an internal Office of Management and Budget memorandum characterized spending under the LEAA program as follows: "LEAA funds have been used for projects which have little or no relationship to improving criminal justice programming. Funds are so widely dispersed that their potential impact is reduced. The absence of program evaluation severely limits the agency's ability to identify useful projects * * *."

LEAA's National Institute of Law Enforcement and Criminal Justice spent about $112 million from fiscal years 1969 through 1975 on research to improve and strengthen law enforcement and criminal justice. But the Institute's Director testified before the Congress in July 1975 that: "Perhaps the single most important thing that can be said about these seven years of extensive research [under the LEAA program] is that they have exposed how little we know. * * * We have learned little about reducing the incidence of crime, and have no reason to believe that significant reductions will be secured in the near future."

Moreover, we now have underway a review in four States to determine how well LEAA and the States have taken actions to implement our previous reports' recommendations. This effort, while still not complete, indicates that the present program's efforts may not necessarily advance our knowledge of what works best to reduce crime.

In the four States we randomly selected project evaluation reports and determined that in 69 percent of the ones reviewed (29 of 42) there was no link between the projects' goals, objectives, and activities and any basic crime prevention or reduction premise. In only five of the remaining projects was the issue adequately addressed.

We expect to complete our review and issue a report on the effort this spring and will provide the Subcommittee with copies of the report.

Our report on halfway houses [1] showed that inadequate research was done to determine what types of approaches work best in the houses. Our report on LEAA's pilot cities program [2] showed that it was not designed properly to produce adequate information on project results.

A change is needed in the program's emphasis.

There has not been sufficient systematic planning, testing, and evaluation of efforts to adequately advance the Nation's knowledge as to how to effectively fight crime. Much more systematic research and evaluation are needed into what works. The Federal Government should play a more active role in researching how to reduce crime. More Federal dollars should be spent by government—Federal, State, and local—to test theories and approaches and evaluate their results, rather than on State or local projects which are not part of controlled research efforts to advance the state of the art.

That adequate knowledge will not necessarily be realized for some time under the current approach is evidenced to a certain extent by problems identified in our previous reports on the LEAA program in the areas of evaluation, standards and goals, and technical assistance and in our current review of the extent to which LEAA and the States have implemented our previous recommendations.

EVALUATION

The Subcommittee is well aware of previous congressional concern about evaluation of the LEAA program. This concern was most explicitly expressed in Section 402 of the Crime Control Act of 1973, which mandated that LEAA, through the National Institute, evaluate programs and projects carried out under the act. The Congress also placed evaluation responsibilities on the States, most specifically in certain sections of parts B, C, and E of the act [3] dealing with conditions under which the States can receive block grants.

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[1] Federal Guidance Needed If Halfway Houses are to be a Viable Alternative to Prison—May 28, 1975, GGD-75-70.

[2] The Pilot Cities Program: Phaseout Needed Due to Limited National Benefits—February 3, 1975, GGD-75-16.

[3] Part B provides funds to the States and localities to develop and adopt comprehensive criminal justice plans. Part C provides funds to the States and localities to carry out programs and projects to improve and strengthen law enforcement and criminal justice consistent with an approved plan. Part E provides the States and localities funds to improve correction programs and practices consistent with an approved plan.

How are LEAA and the States carrying out their evaluation responsibilities? What are some of the problems encountered? Are they being adequately overcome?

LEAA has attempted to meet the evaluation mandate the Congress gave it in 1973. Some of the problems LEAA and the States had to overcome to fulfill the mandate were addressed in several of our reports—primarily our March 19, 1974, and October 21, 1974, reports.[4]

LEAA and the States were unable to identify which program strategies have been successful under different conditions, target areas, or groups of individuals. Such knowledge is essential if the Nation is to better understand how to reduce or control crime.

We have made recommendations to:

1. Stimulate the use of program-level[5] and outcome evaluation; to generate comparable information about the rate of success and costs for projects which have different strategies but are designed to achieve the same or similar end results.

2. Develop standardized, uniform, valid, and reliable data bases to assess the impact of a variety of project efforts upon defined target populations at risk and for defined geographic areas.

3. Require standardized reporting systems to permit the comparison of project results within and between program areas (e.g., police, courts, corrections) through the use of standardized measures and assessment criteria.

4. Standardize the quality-control of evaluation processes and results to insure comparability, reliability, and validity of results for decisionmaking and planning.

We also emphasized the need for incorporation of the results of such evaluations in decisionmaking and planning activities at Federal, State, and local levels.

We recommended that LEAA be more specific and assume leadership for specifying guidelines and requirements to the States in the implementation and use of evaluation.

It is clear that LEAA is trying to evaluate its program and is to be commended for undertaking such an effort. What remains to be answered, however, is whether these efforts will work.

Our current review of the extent to which LEAA and several States implemented our previous report recommendations is assessing the nature, use, and utility of evaluations in planning, decision and policymaking management, and related operations.

Although our analysis is not yet complete, we are able to provide some tentative observations and conclusions.

Some evidence indicates that there are still problems and issues with LEAA evaluation program efforts that need to be addressed and resolved.

Further, it appears that the States and localities are still experiencing serious difficulties in doing and using evaluation processes and results.

Several patterns emerging thus far suggest that LEAA evaluation program initiatives have not had a substantial impact upon improving State and local evaluation efforts. Yet 85 percent of the effort and funds are in the hands of State and local government decisionmakers.

Quantity and quality of evaluation efforts and results

How much evaluation work is being done?

Three of the four States we visited do not have an adequate evaluation program and, in our opinion, are not complying with LEAA's guideline requirements or maintaining an adequate evaluation capability. In the fourth State, evaluation efforts are highly decentralized, with local planning units deciding what and how much to evaluate. In three States less than 15 percent of the projects were evaluated. Only 3 of the 42 project evaluations randomly selected for our review were outcome evaluations.

There is relative absence of definitive criteria to determine what, how much, and when and what level of evaluation is appropriate. Also, poor planning and design of evaluations prior to initiation of the program or project have resulted in imprecise evaluation findings and conclusions about program and project effectiveness and impact.

[4] "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," B–171019, March 19, 1974.
"Progress in Determining Approaches Which Work in the Criminal Justice System," B–171019, October 21, 1974.

[5] Program-level evaluation involves simultaneous assessment of projects which share common outcome objectives.

None of the States we visited had established standards and formats for evaluation reporting. Consequently, there are few controls to insure comparability of evaluation data on relative effectiveness. In none of the four States was there, in evidence, any established procedures for corroborating the validity and reliability of evaluation data, interpretations made, and conclusions drawn.

Meeting evaluation information user needs

Unless evaluation results are available and used they are of little value. None of the four States we visited had established systematic procedures for the dissemination and timely feedback of evaluation results for decisionmaking, State comprehensive planning, and policy formulation. Many of the State staffs we talked to indicated that information generated has had limited utility for decisionmaking and planning.

In many instances key law enforcement planning staff, as well as other State officials having responsibility for criminal justice matters, indicated that decisionmakers are not systematically consulted in advance in decisions as to what, how often, and at what level evaluation should be done.

About 62.5 percent of the State officials we contacted indicated that during 1975 they were never consulted in advance by LEAA and the State planning agencies in decisions as to which programs and projects were to be formally evaluated and what their evaluation information feedback needs would be.

None of the four States included in our current review had established an impact evaluation information system (such as has been recommended by us), to facilitate the timely comparison of project results and accomplishments.

When asked whether they were satisfied with the evaluation information they were receiving, 30 percent of the State officials contacted indicated they did not receive such information; and another 22.5 percent reported they were dissatisfied with what they did receive. When asked whether evaluations were timely, only 20 percent indicated that the evaluation information provided was of use "all or most of the time," while another 35 percent indicated they did not receive appropriate information or received none at all.

Decisions to continue previously funded projects, either with additional Federal funding or assumption by State or local government, are frequently unaffected by the results of evaluations which have been conducted.

Funding of evaluation activities

A nationally recognized research organization has stated that to do meaningful program evaluation, the costs range from 15 to 25 percent of project budgets when evaluation is done on a project-by-project basis.

Three of the four States we visited allocated one percent or less of their available fiscal year 1975 LEAA funds to evaluation.

State planning officials in three of the four States indicated that the amount of funds available under Part B of the 1973 Crime Control Act to plan, design, and carry out evaluations has been totally inadequate.

Use of funds for evaluation

The 1973 act provided for the use of part C (action), part E (corrections), and part B (planning) funds by LEAA and the States for evaluation purposes. Yet, our audit work indicates that confusion and difficulties still exists among the States in the use of part C funds for evaluation. Several State officials we contacted indicated that some State and local policy and decision makers believe that part C funds should not be used to support administrative costs which they assume to include evaluation functions and activities. In addition, these officials indicated the difficulties they experienced in attempting to allocate and use part C funds for evaluation on other than a project-by-project basis.

Legislative and administrative provisions mandating the pass-through of part C funds to units of local government and necessity of hard-cash match by localities, have limited States' flexibility to use part C funds for evaluations other than on an individual subgrant by subgrant basis by building in a portion of funds for evaluation as part of each subgrant.

We believe these factors have contributed to the limited use of program-level outcome evaluation suggested by the recommendations contained in some of our previous reports.

In our opinion, the limited availability of existing part B funds, the administrative problems, and reluctance to use part C funds for evaluation as opposed to funding action projects, suggests that some change in the legislation may be needed to better assure that moneys are allocated and used for evaluation purposes.

Some possible options Congress may wish to examine and consider could include one or a combination of the following:

Establish a separate part in the legislation which mandates an adequate amount of funds which may be used for evaluation purposes only.

Mandate that a certain percentage of parts B, C, and E funds be set aside by the States for evaluation purposes only, which would not be subject to pass-through requirements.

Require LEAA to allocate an increased amount of its discretionary funds to the States to develop and maintain more effective evaluation capability.

In conclusion, it is not clear that LEAA and the States are any further along in:

1. Knowing which specific programs and project strategies have been successful, and importantly, which have not.

2. Identifying what the cumulative impact Federal funding may have had upon the effectiveness and efficiency of other government programs and services, in addition to crime and criminal justice system performance.

We believe answers to these questions are essential and must be made available to all persons who are responsible for planning and decision and policymaking functions involving the allocation or resources designed to reduce, control, and prevent crime and juvenile delinquency.

STANDARDS AND GOALS

According to the National Advisory Commission on Criminal Justice Standards and Goals, a criminal justice system operating without standards and goals invites, if not guarantees, failure. Specific standards and goals, in contrast to principles and generalizations, enable professionals and the public to know where the system is heading, what it is trying to achieve, and what, in fact, it is achieving. Standards can be used to focus essential institutional and public pressure on the reform of the entire criminal justice system. But, the criminal justice system has tended to operate without definable standards and goals.

Our reports on assessing results of LEAA projects, courts, and halfway houses have also illustrated the need for developing and using specific standards and goals for the criminal justice system and for specific types of projects.

In a report to be issued soon on conditions of local jails we note that even after spending LEAA funds, the overall physical conditions of the jails and the availability of services remained inadequate. We believe LEAA and the States should develop agreed upon standards that must be met if Federal funds are to be used to improve the conditions of local jails.

In a draft report on probation activities, now with the Justice Department for comment, we note that LEAA's efforts have had a limited effect on probation operations and that LEAA and the States did not adequately develop acceptable minimum probation standards, goals, and guidelines or otherwise assure adequate planning to correct probation problems.

The Crime Control Act of 1973 requires each State to develop a comprehensive Statewide plan for the improvement of law enforcement and criminal justice throughout the State. The act defines comprehensive to include the establishment in the plan of goals, priorities, and standards.

What has LEAA done to implement these requirements of the Crime Control Act of 1973?

To help the States prepare plans that will meet the requirements of the 1973 act, LEAA had made $17 million available to provide technical assistance and to financially assist 44 States and territories in completing their standards and goals processes. It is LEAA's policy not to endorse or require the States to adopt any particular standards and goals.

In view of LEAA's policy of noninvolvement in the actual determination of standards and goals, how are the States progressing?

Our followup review of the efforts in four States to develop standards and goals showed varying amounts of progress and problems.

Three of the States did not have approved standards and goals.

Officials of one State did not believe that standards and goals could be included in the fiscal year 1977 plan as required by LEAA guidelines. Officials in another State thought they would be able to, and in a third State officials were uncertain as to whether they could meet the requirement.

The other State that we visited was one of the first States to begin the process of developing standards and goals. It began in November 1973. The resultant initial standards and goals were adopted by the State planning agency in July 1974. These standards and goals have been incorporated into the State's fiscal year 1975 and fiscal year 1976 State plans.

The State officials also told us that little work had been done to evaluate the validity of individual standards and goals, and that they were so general in nature that almost any project would fit under one goal or another. Consequently, planning agency officials did not consider the standards and goals very useful in determining which projects should be funded.

With respect to standards for individual projects or groups of similar projects, none of the four States had developed such standards.

Thus generally the process of considering and eventually establishing standards and goals appears to have been established. But is that sufficient? How will LEAA and the States be able to tell which standards are adequate and merit broader adoption? Without research and testing of such standards in different locations under different operating conditions, it will be difficult to say. We believe LEAA, if properly carrying out its leadership role, should be in a position to say to what extent certain standards have broad applicability under various types of conditions. It is not sufficient to foster the development of a process. We need to know whether the results of the process are worthwhile so we can advance our knowledge of how to improve the system to better fight crime. To do that requires research and evaluation.

A question the Subcommittee may want to ask of other witnesses is whether they believe the present LEAA program is conducive to undertaking that type of needed effort.

TECHNICAL ASSISTANCE

Technical assistance can be a very important way for LEAA to bring about improvements in the criminal justice system. By being aware of the issues and problems in each of the various components of the system, LEAA can provide or make available technical assistance to help State and local governments and agencies adequately address their law enforcement and criminal justice activities.

The need for LEAA to provide more technical assistance has been discussed in our reports on State and local court problems, long-term impact of LEAA grants, and halfway houses. They indicated that LEAA and the State planning agencies reacted to requests for assistance but did not take the initiative to identify areas where technical assistance was needed and work to find ways to provide it or make it available.

In our draft report on probation, we note that LEAA and the State planning agencies generally provided technical assistance on a request basis; they reacted to problems and requests rather than actively seeking out program officials, asking them about their problems, and suggesting ways to obtain assistance to solve them.

Our analysis to date of the results of our follow-up review indicate that:

LEAA technical assistance efforts are still primarily reactive rather than pointing out to States problem areas and working with them to change, if needed, State plan emphases or approaches to operations.

Although regional office specialist positions have generally been filled, the specialists in all functional areas still are assigned responsibilities outside of their specialty area.

Little or no technical assistance has been provided by LEAA regional offices or the States on project continuation.

Although the Safe Streets Act of 1968 required the States to demonstrate in their State plans their willingness to contribute technical assistance or services for programs and projects, LEAA did not require, until March 1975, that the State plans detail a strategy or plan that the State planning agency will follow in delivering technical assistance or assuring that technical assistance is provided. The fiscal year 1976 plans were to include such a strategy.

LEAA has started to develop its own technical assistance strategy in support of the State efforts. LEAA plans to assist the States in developing their own technical assistance capability and in improving their ability to provide or make provisions for technical assistance. Based on an analysis of the State planning grants and comprehensive plans, each LEAA regional office is to formulate a technical assistance program which specifies the needs, priorities, resources, and plans the regional offices will follow in delivering technical assistance or assuring that technical assistance is provided. On this basis, national technical assistance priorities are to be established including setting specific priorities in national technical assistance contracts.

We believe these efforts are a step in the right direction. However, during our follow-up review, we noted some factors which we believe will hinder LEAA's efforts to get a comprehensive well-developed operational program established.

The basis of LEAA's entire effort is the States' identification of their technical assistance needs and problems and resources to address them. We did a limited analysis of six fiscal year 1976 technical assistance plans that LEAA had approved, and found that none of them addressed all of the elements LEAA included in its guidelines.

For the four States we visited, the technical assistance portions of their plans were in various stages of completion. None of them adequately met all of LEAA's guideline requirements.

We also found that LEAA regional offices had provided the four States we visited little assistance in developing their technical assistance plans. Furthermore, most officials believed this approach was appropriate as they believed preparation of the plan was the State's responsibility. We believe that if effective State, regional, and national strategies are to be developed in a timely manner, LEAA must work with the States to reach agreement on viable technical assistance plans, an essential first step in developing regional and national technical assistance strategies.

We have previously pointed out that LEAA funds constitute a very small proportion of crime reduction and criminal justice expenditures. Without increasing the amount of the Federal investment, one possible approach to consider is placing the emphasis of the program upon an expanded research, development, and demonstration role by LEAA, which continues to involve the States and localities.

A national strategy to reduce crime under this approach would build upon the relative strengths of program efforts which are proven to produce a significant crime reduction outcome based upon rigorously controlled research.

States and localities could participate in the operational planning, implementation, and management of projects which are consistent with those program strategies which are proven to have merit. A different ratio of funding between discretionary and block grant funds might be necessary at first; with the emphasis upon systematically planned variation in program approaches, which build in the evaluation research requirements in advance of implementing individual project activities.

Those efforts which have demonstrated crime reduction payoff could then be funded under different settings with ongoing evaluation of their relative effectiveness. Successful programs could then be assumed by States and localities with increased confidence of their value and impact upon the crime problem.

This concludes our prepared statement, Mr. Chairman. We will be pleased to respond to any questions.

Comptroller General's Reports to the Congress

Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects To Reduce Crime, March 19, 1974

WHY THE REVIEW WAS MADE

Between fiscal years 1969 and 1973 the Federal Government, through the Law Enforcement Assistance Administration (LEAA), awarded about $1.5 *billion* to finance over 30,000 projects of State and local governments designed to prevent or reduce crime.

LEAA funds for these projects are distributed as block or discretionary grants. State planning agencies generally determine further disbursement of these funds to specific programs in the criminal justice system—police, courts, or corrections.

LEAA was one of the first agencies the Congress established to operate a block grant program.

GAO wanted to know if management had taken appropriate steps to find out, if possible, whether the projects had helped to prevent or reduce crime.

FINDINGS AND CONCLUSIONS

Common difficulties were involved in trying to assess results of the four types of LEAA projects GAO reviewed.

LEAA and the States have established no standards or criteria by which some indication of success or failure of similar projects can be determined.

To develop such criteria, comparable data on the operation and results of similar projects is needed. Although LEAA encouraged States to evaluate their projects, LEAA did not take steps to make sure comparable data was collected. Thus, information for similar projects was not adequate or comparable.

The following examples from the four types of projects reviewed—alcohol detoxification centers, youth service bureaus, group homes for juveniles, and drug-counseling centers—illustrate the difficulty of trying to assess the effectiveness of LEAA projects.

Alcohol detoxification centers

An expectation of the centers GAO reviewed was that their short-term treatment approach might have some positive impact on the "revolving-door" pattern of the chronic public drunk.

About 70 percent of the patients being treated at the three centers previously had been patients. The readmission rates were about the same despite significant differences in costs and services provided.

However, without criteria as to what acceptable readmission rates might be, neither GAO, the States, nor LEAA can state whether the projects were effective. (See ch. 3.)

Youth service bureaus

These are to provide services to keep youths who have a high potential to commit crimes from doing so. One basic way to find out if the projects are doing this is to gather behavior data on the youths.

Only one of the three LEAA projects reported such data. It showed that only 15 percent of the young people served during a 1-year period who had court records got into trouble after contact with the project. Data developed by GAO for another project, however, showed that 43 percent of the youths who had court records were referred to juvenile court after contact with the project.

The first project appears to have been more successful, but, without standard ranges of expected success rates, neither GAO, the States, nor LEAA can determine the success of the youth service bureaus.

Group homes for juveniles

These homes are to provide a family environment in a residential setting where a youth's problems can be treated and corrected. Data GAO developed showed that 45 percent of youths were released from these homes for poor behavior; 65 percent had problems which resulted in referral to juvenile court once they left the homes; and 36 percent were sent to penal or mental institutions after release.

Are such percentages acceptable? Until LEAA and the States establish criteria there is no adequate basis for determining success or failure. (See ch. 6.)

Drug-counseling centers

These centers sought to rehabilitate youthful drug abusers and prevent youths from taking drugs. One center kept no data on former use of drugs by participants or the extent of their change in drug use after participating in the counseling centers because participants feared this information would be provided to law enforcement officials. Another drug-counseling project developed data on the drug use habits for about 45 percent of its participants but based its conclusions entirely on participants' oral statements and the staff's opinion on their progress. (See ch. 4.)

Evaluation reports inconsistent

Because adequate evaluation criteria did not exist, evaluation reports on the projects were inconsistent and generally did not provide sufficient data to allow management to make objective decisions regarding project success.

Evaluation reports on the three detoxification centers focused on different aspects of the centers' operations and used different techniques.

One report described in detail the operations of the center and tried to compare its operations to the operations of another project even though the two projects' treatment philosophies differed significantly regarding the extent of medical services to be provided.

A report for another project assessed primarily the adequacy of the project's facilities and staff and sought patients' and police department views of the project's usefulness and success.

The evaluation of the third center developed quarterly statistics concerning patients and what happened to them. But the information in the quarterly reports was inconsistent, which reduced the value of the reports as indicators of the project's results. (See ch. 3.)

Evaluations of the youth service bureaus also varied. Studies of one project developed information primarily concerning the extent of community support

for the project. A study of another project consisted primarily of interviews of project staff and certain participants, randomly selected, to determine whether they thought the project influenced them to stay out of trouble. No objective data was reported on the project's effect on participants. The evaluation report of the third project, however, contained subjective and objective data indicating the project's impact. (See ch. 5.)

Similarly, the evaluation on only one of the juvenile group homes presented data adequate to indicate the project's effect. Evaluation of another project presented data showing where the participants went after leaving the home but did not disclose whether they subsequently got into trouble and were referred to juvenile court. The evaluators of the third project solicited views of participants and staff through questionnaires. (See ch. 6.)

Recent LEAA actions

In the fall of 1973 LEAA began to plan programs to improve its ability to evaluate LEAA-funded projects.

A separate evaluation unit was established in LEAA's National Institute of Law Enforcement and Criminal Justice to develop evaluation strategies.

The National Institute also started new projects to provide States with information on how they may want to operate and evaluate certain types of projects. However, LEAA has not mandated any requirements that the States standardize the type of data they collect for similar projects.

One issue involved in LEAA-financed programs is determining the type of leadership the responsible Federal agency should provide to insure program accountability for Federal funds spent by the States. The actions LEAA has taken are not adequate to establish systems necessary to provide the Congress with such accountability.

RECOMMENDATIONS

The Attorney General should direct that LEAA, in cooperation with the States, designate several projects from each type of LEAA-funded program as demonstration projects and determine information that should be gathered and the type of evaluations that should be done in order to establish, for similar projects, the following:

Guidelines relating to general goals, the type of staff that could be employed, the range of services that could be provided, and expected range of costs that might be incurred.

Uniform information.

Standard reporting systems.

A standard range of expected accomplishments that can be used to determine effectiveness.

Standardized evaluation methodologies that should be used so comparable results can be developed on the impact.

In developing the standards, LEAA should coordinate its efforts with those of Federal agencies funding similar projects. On the basis of the standards developed from the demonstration projects, the Attorney General should direct LEAA to:

Establish an impact information system which LEAA-funded projects must use to report to their States on the effectiveness of their projects.

Require States, once such a system is established, to develop, as part of their State plans, a system for approving individual project evaluations only when it can be determined that such efforts will not duplicate information already available from the impact information system.

Publish annually for the major project areas results obtained from the impact information system so the Congress and the public can assess LEAA program effectiveness.

GAO also suggested certain information that could be gathered to indicate the impact of the types of projects it reviewed. (See pp. 56 and 57.)

In developing information on the impact of projects, LEAA must arrange the data so the confidentiality of the individual is protected.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with the conclusions and recommendations regarding the need for greater standardization of goals, costs, types of services, and information to be collected on similar projects so better evaluations can be made. However, the Department did not agree with the recommendations that the way to implement the needed improvements was to have LEAA ultimately establish general criteria regarding each item. (See app. I.)

The Department believes it is inconsistent with the philosophy of the "New Federalism," as defined by the Administration, for LEAA to require the States to adopt such guidelines. LEAA plans to continue to encourage the States to evaluate their programs and to disseminate to them information on projects' operations and results as written up in various LEAA publications. However, the information in such publications is generally not comprehensive enough to provide an adequate basis for developing comparable data to develop standards and criteria.

GAO does not believe the Department's proposed methods for carrying out the recommendations will insure that the same general guidelines and criteria are applied to similar projects so effective evaluations and adequate national accountability can be achieved. GAO believes that its recommendations for LEAA to establish general criteria for the grant projects and to require States to adopt such criteria are consistent with the concern of the Congress that LEAA provide more leadership so information on the program's success would be available. (See pp. 60 to 62.)

The States reviewed agreed with GAO's conclusions and recommendations and noted that they would be helpful in improving their evaluation efforts.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Although the Crime Control Act of 1973 requires the Administration to provide more leadership and report to the Congress on LEAA activities, the Department of Justice's responses to GAO's recommendations indicate that LEAA's action will not be consistent with the intent of the Congress. Therefore, GAO recommends that the cognizant legislative committees further discuss this matter with officials of the Department.

FEDERALLY SUPPORTED ATTEMPTS TO SOLVE STATE AND LOCAL COURT PROBLEMS: MORE NEEDS TO BE DONE, MAY 8, 1974

WHY THE REVIEW WAS MADE

Nationwide studies of the courts emphasize one overriding problem—an increasing backlog of untried criminal cases and inordinate delays in bringing those accused to trial.

Because of increasing public and congressional concern over this situation, GAO, during late 1972 and early 1973, reviewed Law Enforcement Assistance Administration (LEAA) grants designed to solve State and local court problems in California, Colorado, Illinois, Massachusetts, New York, and Pennsylvania.

During fiscal years 1969–73, LEAA granted about $1.5 billion in block funds to all the States. The States allocated about $180 million of this to programs to improve court procedures and systems.

FINDINGS AND CONCLUSIONS

LEAA has not made sure that its grants for State court improvement programs are directed to causes of the most serious problems in State and local courts. Neither LEAA nor the States can be certain, therefore, that the grant programs are solving problems that need solving. (See ch. 3.)

Inadequate State plans

The States are primarily responsible for determining that the most serious problems of their criminal justice systems are identified and their causes attacked. State plans—the bases for receiving LEAA funds—did not, however, adequately define what was needed where, or why, to solve their most critical court problems. (See pp. 14 to 16.)

Many federally funded court projects in the six States may not have been directed at reducing the most serious court problems because information was not available to identify the extent of the problems. (See pp. 16 to 22.) For example, inefficient court administrative practices are often cited as a primary reason why courts experience backlogs and delays. Five of the States considered backlog and delay to be their most serious court problems. Yet they allocated an average of only 17 percent of their funds to projects to directly improve court administration.

Another 25 percent of LEAA funds were allocated to projects to improve the prosecution of cases. The States did not have adequate information, however, to determine the extent that inefficient administrative practices or lack of prosecutors caused backlog and delay. (See pp. 20 to 22). Lack of adequate court system

information and statistics partly caused this problem. For example, no States had compiled adequate statistics on time required to process cases. Without such data, it is difficult to determine which courts have the most serious processing delays and whether or not court improvement projects lessen the problem. (See pp. 16 to 18.)

When State plans addressed various court needs, LEAA did not require States to specify the degree to which Federal grant funds would affect their most serious court problems. Absence of reliable information on court operations also hampered LEAA regional offices from making adequate reviews of State plans. (See pp. 19 and 20.)

Need to improve technical assistance

To provide States with continual, direct technical assistance, a position of court specialist has been authorized for each of the 10 LEAA regional offices. Five offices did not have a court specialist at one time or another during 1973. This position was vacant at two of the six offices GAO visited. In the other four, the court specialist devoted as little as 30 percent of his time to court-related matters. (See pp. 26 to 28.)

To provide State and local courts with expert assistance and information, LEAA has relied heavily on the National Center for State Courts, a nonprofit organization established in 1971 with LEAA funds, and a technical assistance contract awarded in 1972 to The American University. When GAO did its fieldwork, it was too early to measure the success of these efforts in helping the States. (See pp. 29 to 31.) As part of its technical assistance responsibilities, LEAA established a reference service by which State court planners and others could find out the results of court projects carried out in all the States. However, projects funded under most grants were not made a part of the services' data base. (See pp. 32 and 33.)

LEAA did not evaluate the results of its court program nor provide States with criteria for evaluation or training in evaluation methods. The degree of evaluations by State planning agencies ranged from nothing to allowing the subgrantees to evaluate their own court projects. One State official told GAO that only 3 of 38 court projects had been evaluated. Those evaluations generally consisted of describing the project's function rather than its effect on the court system. (See pp. 34 to 36.) These inadequate evaluations of court projects were consistent with GAO's findings in an earlier report to the Congress on problems of evaluating other types of LEAA-funded projects to reduce crime (B–171019, Mar. 19, 1974).

RECOMMENDATIONS

The Attorney General should direct LEAA to:

Require States, in planning for court improvement programs, to specify standards and goals and to note what effect LEAA projects will have on attaining these goals.

Provide States with criteria for evaluating LEAA programs and for training in evaluation methods so that State planning agencies can determine whether or not their court improvement efforts are effective.

Staff each LEAA regional office adequately so court needs can be determined and so that appropriate technical assistance can be provided.

Adopt procedures to make sure that LEAA-funded court systems projects are screened for quality and included in LEAA's reference system, if appropriate, so that all States will have access to the results of projects funded in each State.

Develop court statistical reporting systems, in cooperation with the States, so courts, for example, will be able to measure accurately their progress in reducing caseloads and processing time.

Determine how effective organizations receiving LEAA funds are in providing technical assistance to the States and to the courts.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with GAO's recommendations and has either started or plans to implement them. (See app. I.) The Department pointed out that, in addition to the 17 percent of court funds that went for projects to directly improve court administration, an additional average of 25 percent of the funds were used for prosecution projects, which it believed also bear directly on the backlog of cases. GAO's concern is that the States' planning processes were not refined sufficiently so that the courts' most serious problems were adequately addressed. (See pp. 21 and 22.)

Five of the six States generally agreed with GAO's conclusions and recommendations and pointed out that, as their criminal justice planners have gained more experience, they have started developing better ways to spend LEAA funds more effectively. The sixth State, California, agreed that data does not exist to accurately identify the causes of backlog and delay. It stated that, since it would be very difficult to establish a standard reporting system that would provide accurate data, the State can only hope that its court projects are reducing delay.

Four States noted that they encounter a major difficulty in dealing with the courts because of the judiciary's independence from the judiciary's independence from the executive branch and its reluctance to become involved with Federal funds. Most of the States said that, because of the separation-of-powers principle, the courts, and particularly judges, have often been reluctant to become involved with State planning agencies. If the LEAA program is to successfully assist State and local court systems, it is apparent that LEAA and the State planning agencies must find a way to obtain the active participation of the judiciary and court planners in the State planning process.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report contains no recommendations to the Congress. However, it clearly shows the extent that problems in developing LEAA-supported State plans and in providing technical assistance have, so far, limited the abilities of States and LEAA to improve court systems. Accordingly, it should provide the Congress with information with which to exercise its oversight responsibilities for LEAA's program.

PROGRESS IN DETERMINING APPROACHES WHICH WORK IN THE CRIMINAL JUSTICE SYSTEM, OCTOBER 21, 1974

WHY THE REVIEW WAS MADE

The need to identify what approaches best assist the criminal justice system—police, courts, and corrections—to prevent or reduce crime has been recognized since at least 1931. Congressional concern with attempts by Law Enforcement Assistance Administration (LEAA) and the States to satisfy this need since LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968 led to a mandate in the Crime Control Act of 1973 that LEAA evaluate its programs.

The 1973 act required that the States, awarded over $1.6 billion by LEAA through fiscal year 1973 for improving their criminal justice systems, assist LEAA by providing certain information and by making certain evaluations of their own. To give the Congress the perspective to assess the extent to which LEAA and the States meet the 1973 legislative mandate, this report contains GAO's observations on:

Progress LEAA and the States made before the 1973 legislation toward satisfying the need to know the approaches that work in the criminal justice system.

Planning by LEAA and the States to meet the evaluation requirements established by the Crime Control Act of 1973.

This report also discusses problems LEAA and the States have had and need to overcome if evaluations are to improve the program.

FINDINGS AND CONCLUSIONS

Results of the State's criminal justice projects—funded under block grants from LEAA—and LEAA's research efforts must be evaluated if new and improved approaches are to be developed for attacking criminal justice problems. This type of evaluation is commonly called "outcome evaluation." (See pp. 6 to 8.)

Between passage of the 1968 act and the Crime Control Act of 1973, the States made limited progress in evaluating the outcome of their block grant projects and LEAA gave the States little guidance despite its requirement that the States do evaluations. Before receiving LEAA funds States must submit a plan for carrying out their projects to LEAA for approval. LEAA, however, has not established procedures for its regional offices to use in reviewing State plans to insure that evaluations would be an integral part of the States' planning process to identify and implement improved approaches. Both LEAA and the States plan to meet the evaluation requirements of the new legislation. However, they have not defined how such evaluations are to be used in making program decisions.

States

Although the States had made some progress between 1968 and 1973, few were doing outcome evaluations; most were still planning how they intended to do evaluations. GAO's review of Michigan's and California's evaluations provides a practical perspective of the progress and problems of the States in evaluating projects and in using evaluations to improve their programs.

Michigan

In 1969 Michigan's criminal justice planning agency recognized the need for evaluation. In 1972 the planning agency began to describe evaluation factors, such as data and analyses, for the criminal justice projects throughout the State receiving LEAA block grant funds.

In December 1973, however, a planning agency official said most of the evaluations made by project personnel had not been outcome evaluations and that the few outcome evaluations made were poor. He said for these reasons and because evaluations were not completed before the time subsequent funding decisions had to be made, they had provided little input for the agency's decisionmaking and planning.

To meet LEAA's requirement that States evaluate a specified portion of their LEAA-funded projects, the planning agency contracted with a private research organization in August 1972 to evaluate the State's efforts to reduce organized crime. The contractor, however, could not evaluate the State's projects to reduce organized crime because project personnel had not collected needed data.

In January 1974 the planning agency revised the project-reporting process to require quarterly reports describing the evaluation progress and began redesigning evaluation factors to be used by project personnel. The planning agency Administrator said LEAA had not provided any specific guidance on how to do evaluations or on how to use them. He believed, however, that eventually the planning agency's approach would lead to the type of evaluation system which would provide major input for program management and planning decisions. (See pp. 11 to 13.)

California

In April 1969 the California criminal justice planning agency began requiring each project receiving LEAA block grant funds through the agency to have an adequate evaluation system. To meet LEAA's evaluation requirements, the planning agency chose to have project personnel evaluate projects from its 1973 and prior years' plans. Through September 1973 the planning agency had received 260 evaluation reports.

A planning agency analysis, however, showed general dissatisfaction with the quality of the evaluations. More importantly, the planning agency had no procedures to insure that even satisfactory evaluations were adequately considered in decisionmaking and planning. In July 1973 a task force at the University of California at Los Angeles began developing, under contract with the planning agency, a plan to define the approaches for making evaluations which will furnish information management needs to meet program goals. The plan was completed in early 1974, and many of its findings and recommendations were incorporated into the State's evaluation program. The planning agency Administrator said LEAA had not provided guidance for doing outcome evaluations. (See pp. 13 to 17.)

LEAA's National Institute of Law Enforcement and Criminal Justice

The 1968 act authorized the Institute to conduct in-house research, award research grants and contracts, and instruct and recommend action to the criminal justice community. In 1971 the Institute was reorganized to better accomplish these functions. However, as of August 1973—when the new legislation was enacted—the Institute had accomplished little in doing outcome evaluations or giving the States guidance for doing so. For example, the Research Operations Division—responsible for in-house research—had not made any outcome evaluations of any criminal justice programs. (See pp. 20 to 22.)

The Research Administration Division—responsible for research grant and contract administration—had awarded about $70.6 million through fiscal year 1973 for external research. Many projects were to gather information and were not intended to produce outcome evaluations. However, those projects intended to be evaluations produced little data on project impact. (See p. 22.)

The Technology Transfer Division—responsible for recommending Institute material for publication and conducting demonstration and instructional programs—had pursued these responsibilities and had developed a way to provide information to the criminal justice community. However, almost nothing had

been disseminated on the outcome of specific criminal justice projects. Several new programs started by the Division during 1973, however, have the potential to provide better information on what approaches work in various criminal justice programs. (See pp. 23 and 24.)

LEAA and State efforts to meet the 1973 congressional mandate

LEAA has taken several actions since the Crime Control Act was passed to improve its capability to determine the approaches that work in the criminal justice system. (See pp. 26 to 28.)

The Institute established a separate evaluation division to coordinate and develop the Institute's evaluations.

An Office of Planning and Management was created to emphasize and coordinate LEAA's overall policies and evaluations.

An Evaluation Policy Task Force was appointed to design a comprehensive LEAA evaluation program.

In July 1973 administrators of the States' criminal justice planning agencies established a Research, Evaluation, and Technology Transfer Committee to develop

Model evaluation systems for the States,

Evaluation training programs for criminal justice planning staff,

Guidelines for gathering comparable data on projects, and

Mechanisms for collecting and disseminating research and evaluation accomplishments.

LEAA is working closely with this committee. (See pp. 28 and 29.) LEAA and the States are becoming increasingly concerned about the need to do evaluations and are planning to meet requirements of the new legislation. It is important that they recognize the need to define approaches for making evaluations which will furnish information program personnel need to identify and implement improvements in the criminal justice system.

RECOMMENDATIONS

The Attorney General should direct LEAA to:

Issue guidelines requiring States to include a section in thier State plans that discusses (1) how State criminal justice planning agency administrators plan to use evaluations to assist them in making management decisions and (2) the extent to which such administrators believe their current evaluation strategies need modifying so evaluations can be useful in the decisionmaking process. This action should improve the States' planning and use of evaluations by requiring them to consider how useful evaluations have been and could be to management and also provide LEAA a basis for reviewing State actions.

Disseminate this report to the States to further emphasize the need to do outcome evaluations that can be used in making decisions.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice agreed with GAO's recommendations and is taking action to implement them. In addition, the Department noted steps LEAA is taking to improve its overall evaluation effort. (See app. I.) These steps should meet the evaluation needs GAO identified.

California also plans steps to improve the quality and utility if its evaluation efforts. (See pp. 16 and 17.) Michigan commented that the GAO report was valid. However, it noted that, among other things, outcome evaluation is difficult and extremely costly and that "the causes of crime remain unknown in any real sense, and that cause and effect measurement is nearly impossible in regard to crime." Michigan also noted that LEAA, rather than the States, should have responsibility for such matters as program evaluation and research. (See pp. 33 to 35.)

There is no doubt that outcome evaluation is complicated and in some instances costly. The consequence of not doing such evaluations, however, is to reduce the planning process to chance. Evaluations are necessary so more objective decisions can be made regarding allocation of resources. The Congress has clearly expressed its intent that the LEAA program be evaluated. Both the States and LEAA should participate in this effort since the States are an integral part of the LEAA program.

Therefore, GAO does not agree with Michigan that only LEAA should have this responsibility. Moreover, LEAA plans to involve the States directly in its evaluation efforts.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report should assist Congress to determine LEAA's and the States' progress in meeting the legislative mandate for evaluation in the Crime Control Act of 1973.

LONG-TERM IMPACT OF LAW ENFORCEMENT ASSISTANCE GRANTS CAN BE IMPROVED, DECEMBER 23, 1974

WHY THE REVIEW WAS MADE

Since fiscal year 1969 the Federal Government, through the Law Enforcement Assistance Administration (LEAA), has awarded about $2.6 billion to help States improve their criminal justice systems and to prevent or reduce crime. The Congress intended that LEAA funds be used as a catalyst to bring about lasting improvements in the States' criminal justice systems. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the States demonstrate their willingness, and that of local governments, to assume the cost of projects funded after a reasonable period of Federal assistance.

To provide the Congress information on the extent to which LEAA and the States have met that legislative intent, GAO obtained information on:

How many long-term projects continued after LEAA funding stopped.

How many projects merited continuation but did not continue.

How LEAA and different State policies and practices affected the continuation of worthwhile projects.

FINDINGS AND CONCLUSIONS

LEAA funds provided to States represent only a small portion of total national criminal justice expenditures. Nevertheless, they have the potential for impact since they are the primary funds to be used for innovations and improvements.

For LEAA funds to influence changes, it is essential that LEAA and the States adopt policies to insure that successful projects continue once LEAA funding stops. As a result of inadequate LEAA guidelines, States' policies regarding continuation of projects varied significantly. States' success rates on continuing worthwhile projects also varied. As of June 30, 1973, only 6 percent of projects no longer receiving LEAA funds were for long-term purposes—such as counseling delinquents, hiring additional policemen, or rehabilitating offenders—which involved continuing operations and required continual funding for the project to continue. (See p. 11 and app. III.)

As more projects reach the end of their LEAA funding periods, the problem of finding alternative fund sources becomes even more important. One State, for example, reported it had only three long-term projects terminated from LEAA funding as of March 31, 1973. The State expects 80 to 120 major projects to cease receiving LEAA funds in calendar year 1974. (See pp. 30 to 33.)

By providing the States more guidance on how to continue worthwhile efforts, LEAA could substantially improve prospects of its grant program having a positive long-term impact on the States' criminal justice systems. Problems LEAA and States had in adequately developing continuation policies are discussed below, as is GAO's analysis of the extent to which worthwhile long-term projects continued.

The analysis is based on a detailed review of the continuation policies and practices in Alabama, California, Michigan, Ohio, Oregon, and Washington and on responses by 39 States and the District of Columbia to a GAO questionnaire.

Inadequate emphasis on continuation needs

Neither LEAA nor the six States emphasized sufficiently the problem of how to continue worthwhile long-term projects. The varying degrees of State success in continuing worthwhile projects after LEAA funding stopped were partly attributable to a lack of adequate LEAA guidelines and the resulting differences in State policies.

LEAA guidelines did not adequately address the project continuation issue by specifying factors or providing policies that would help States continue projects. States had independently developed their own continuation policies. Many factors influence continuation of projects after LEAA funding stops. Some, such as economic conditions and dedication of project personnel, are beyond the control of LEAA and appropriate State criminal justice agencies. Others may be controlled through guidelines and requirements.

Three factors which influence project continuation are project financing, project evaluations, and technical assistance. The emphasis given these factors varied among the States. For example, project funding periods among the States visited ranged from 1 to 5 years. Also one State required extensive planning for assuming project costs by non-LEAA sources; another State required none. (See ch. 2.)

Limited success in continuing projects

Apparently worthwhile long-term projects were discontinued or had their operations significantly reduced after LEAA funding ended. In the six States LEAA funding had stopped for 440 long-term projects.

281, or 64 percent, awarded about $15.5 million in LEAA funds, continued to operate at expanded or at about the same levels.

159, or 36 percent, awarded about $12 million in LEAA funds, either had their operations stopped or the scope of their operations reduced significantly.

According to State and project officials, at least 95 of the 159 projects (60 percent) merited continuation. (See pp. 11 to 13.) Of the 281 projects operating at the same or expanded levels of funding after LEAA funding ceased, 253 continued with State or local funds and 28 were continued with non-LEAA Federal funds.

National perspective

Neither LEAA nor the States had adequate information on the extent to which projects continued or merited continuation. Such information is necessary to help assess the impact of the LEAA program. Therefore, to determine the potential long-term impact of LEAA funding, GAO queried all States by a two-part questionnaire.

The first part requested information on State policies that could influence projects continuing after LEAA funding ended; this part was completed by all 50 States and the District of Columbia. The second part requested financial data and other information, such as status of long-term projects no longer receiving LEAA funding (terminated projects). Thirty-nine States and the District completed the second part.

State responses indicated the variations in continuation policies and showed that many States had not adequately addressed the continuation issue. For example:

Seven States had no policies or time limits on length of time projects should be funded by LEAA. The other 43 States funded projects from 1 to 8 years.

Twenty-five States required applications for LEAA funds to present various types of plans showing how, when, and by whom project costs would be assumed once LEAA funding stopped.

One State required only that potential fund sources be identified, and 24 States did not require a plan showing how, when, and by whom project costs would be assumed.

Twenty-one States eased the transition from Federal to full State or local funding by increasing the percentages of State or local support provided through the life of the LEAA grant. The rate of increase varied, however, from State to State. Five States said they use increased matching rates but have not set specific percentages. The other 24 States did not use increasing matching rates.

Technical assistance provided to projects varied significantly. Six States provided no continuation assistance, 16 provided assistance on request, 27 provided assistance informally, and 1 said it had not experienced the continuation problem. (See ch. 4.)

LEAA's program has been operating since fiscal year 1969. It is not too early to consider institutionalizing improvements begun with LEAA funds in light of congressional intent that LEAA funds act as a catalyst to allow States to make lasting improvements. Both LEAA and the States must better insure that worthwhile long-term projects continue once LEAA funding stops.

RECOMMENDATIONS

To develop information needed to assess the long-term impact of the LEAA program, determine potential weaknesses, and better insure that worthwhile projects are continued, the Attorney General should direct LEAA to:

Require that LEAA and State information systems provide for developing information on the extent to which projects continue.

Establish requirements for reporting in State law enforcement plans and in the LEAA Annual Report on the continuation of long-term projects after LEAA funding ceases.

Require that LEAA develop a coordinated continuation policy to be implemented by each State:

1. Defining how long LEAA funds should be used to support each type of project.
2. Developing funding methods which ease the transition to full State or local funding, such as progressive matching rates.
3. Defining standard grant application provisions which detail how, when, by whom, and under what conditions project costs will be assumed.
4. Defining the types of technical assistance to be offered in planning for future continuation of projects.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice said it agreed with GAO's recommendations that LEAA and the States develop better information on the extent to which projects continue and said LEAA will explore ways to obtain and report it. (See app. I.)

The Department did not agree to completely implement GAO's recommendation that LEAA modify its current project continuation guidelines to make them more specific. It said the issues of defining how long LEAA funds should be used, of developing methods of transition to full local funding, and of defining standard grant application provisions and the nature of technical assistance to be provided, are far reaching and will be given further study by LEAA.

GAO agrees such changes could be far reaching and does not object to further study. But the danger is that the issue will be studied indefinitely and no conclusion will be reached. Improvement is needed in light of GAO's finding that State and local officials believed 60 percent of the long-term projects that were stopped or had their operations significantly reduced when LEAA funding stopped either merited continuation if stopped or should have been funded at a higher level if continued.

It would be desirable if LEAA completed its study before submitting its fiscal year 1976 budget request to the Congress and reported to the Congress on what actions it believes should be taken. The States GAO visited generally agreed with GAO's findings and conclusion that there was a need to more fully consider ways to insure that worthwhile projects continue once LEAA funding stops.

MATTERS FOR CONSIDERATION BY THE CONGRESS

In the next several years many more projects will stop receiving LEAA funds and will have to be funded by other sources to continue. As more information becomes available on which worthwhile projects continue, the Congress may wish to discuss with LEAA the extent to which its efforts are acting as a catalyst to get State and local governments to permanently implement criminal justice improvements tried and tested with LEAA funds. Because of the significance of this issue, the Congress may also want to follow up with LEAA on the results of its study of ways to improve the continuation policies of the States.

THE PILOT CITIES PROGRAM: PHASEOUT NEEDED DUE TO LIMITED NATIONAL BENEFITS, FEBRUARY 3, 1975

WHY THE REVIEW WAS MADE

GAO wanted to determine whether the Law Enforcement Assistance Administration adequately planned and managed its Pilot Cities Program to demonstrate that improved research could bring about better planning of city and county programs to reduce crime.

The Pilot Cities Program was begun in 1970 with a projected cost of $30 million. It was one of the agency's first major attempts to bring about improvements through direct financing: Albuquerque, New Mexico; Charlotte, North Carolina; Dayton, Ohio; Des Moines, Iowa; Norfolk, Virginia; Omaha, Nebraska; Rochester, New York; and Santa Clara County, California, were chosen as test locations of how to use new, innovative ideas to fight crime, *which could later be applied nationally.* The program was to operate for 5 years.

Individually, the eight cities benefited from the Pilot Cities Program. They received Law Enforcement Assistance Administration funds for projects they probably could not have otherwise undertaken. They received the benefit of research and technical assistance that could not have otherwise been obtained. But, from a national standpoint, the overall program did not accomplish its goals, for reasons explained below.

The basic approach was to have pilot city teams research their communities' problems in reducing crime and develop projects and technical assistance to solve the problems. Three of the five teams GAO reviewed in detail—Albuquerque, Dayton, and Omaha—could not develop their efforts as planned. Generally, they had difficulties maintaining a viable pilot city effort. Two other teams—Norfolk and Santa Clara—maintained relatively stable operations by developing appropriate community support, researching problems, and starting new projects.

The Charlotte team withdrew from the program in April 1974 because of a lack of adequate direction from the Law Enforcement Assistance Administration and because the team did not anticipate sustained local interest in planning communitywide activities to solve criminal justice problems. The Des Moines team apparently experienced startup problems and did not accomplish sufficient research and project development during its first 20 months of operation to achieve useful results. The Rochester team has apparently made progress.

Overall, therefore, three of the eight teams may have progressed satisfactorily. But the cumulative experience of the eight teams is already sufficient for the Law Enforcement Assistance Administration to draw useful conclusions about how to promote changes at local levels—one of the program's basic objectives.

Essentially, the problems of the program were that:

Consistent objectives were not agreed upon.
Teams interpreted the program differently.
Participating organizations experienced instability.
Guidelines were too broad as to what was to be accomplished and how.
Regional offices of the Law Enforcement Assistance Administration used different management methods.

In programs of limited duration designed to serve as examples of how the Nation should try to solve problems, these factors can have an adverse effect. This was the case with the Pilot Cities Program. The Law Enforcement Assistance Administration should continue to directly finance large efforts of national significance. But it is important that such programs have clearly defined objectives agreed to by all participants and that monitoring and evaluation procedures be adequately developed by the supporting Federal agency before the project begins. This was not the case with the Pilot Cities Program.

Inadequate program development

The Law Enforcement Assistance Administration used a proposal for improving the criminal justice process in one locality as the basis for developing the national Pilot Cities Program.

The first grant—to Santa Clara County—was broadly worded so its team could emphasize (1) improving the process of criminal justice research and planning and (2) developing specific projects. The lack of emphasis on any one goal (such as research or project implementation) over others was not detrimental in Santa Clara County because the team and local officials understood what they wanted to do as a result of more than a year's negotiations with the Law Enforcement Assistance Administration before the grant was approved. At the direction of the Law Enforcement Assistance Administration, subsequent pilot city teams used the Santa Clara grant as the model for their proposals. But these teams did not have the benefit of Santa Clara's experience. They did not receive appropriate guidance from the Law Enforcement Assistance Administration to clarify the program's priorities. Each team interpreted the program's objectives and emphasis differently. The result was not a coordinated national pilot city effort, but eight individual programs.

The Law Enforcement Assistance Administration published program guidelines in January 1973, 2½ years after the program began. Encompassing all activities of the operating pilot cities, these guidelines were too broad to provide direction to the teams and had little impact on the program. (See ch. 2.)

Financial pressures

Each pilot city team was to be provided $500,000 per fiscal year during its 5-year life for demonstration projects. Any unused portion at the end of the year was generally not available for future use. Therefore, the Law Enforcement Assistance Administration applied pressure to spend the money by developing projects too quickly, which prevented orderly development of the teams' efforts. This pressure had serious consequences for the Albuquerque and Dayton teams. (See pp. 15 to 19.)

Regional guidance

Regional offices of the Law Enforcement Assistance Administration often provided inconsistent guidance to the pilot city teams—primarily because the headquarters staff had not adequately specified program objectives.

The Dallas regional office greatly limited the Albuquerque team's ability to perform effectively in December 1972 and most of 1973. The team submitted no new demonstration projects during that time and could find no replacements for three professional staff members who quit.

The Chicago regional office requested Dayton's team to submit proposals for new demonstration projects. The team director attempted to complete research before submitting proposals. Because he and the Chicago office could not agree, he was requested to step down. Between December 1972 and October 1973, the Dayton team had no permanent director. Subsequently, Dayton proposed five projects to reduce specific crimes. Only one was based on adequate research. Confusion between the Omaha team and the regional office in Kansas City concerning program development resulted in an almost complete turnover of the Omaha staff as of June 30, 1973. As noted above, the Charlotte team withdrew from the program because of such management practices. (See pp. 20 to 30.)

Research and projects

All pilot city teams were expected to develop baseline data on the various aspects of their criminal justice systems. But the Law Enforcement Assistance Administration did not specify types of data to be collected, establish common criteria to insure uniform reporting, or provide a basis for establishing a common reference for comparing teams' efforts. Inconsistent interpretation of the terms "new" and "innovative" affected the type of demonstration projects undertaken. Generally, if projects were new to the localities, even though not unique nationally, they were implemented.

As of December 1973, 27 percent (about $2 million) of the program's demonstration funds had gone to projects to implement or update information systems. Another 23 percent (about $1.7 million) went to provide new types of community treatment, such as youth service bureaus and alcohol detoxification centers. Many of these projects appear similar to others being supported by the Law Enforcement Assistance Administration. Pilot cities funds were also used to provide burglar alarms, television security systems, a narcotic squad, a crime laboratory, and more nonwhite police officers. All such efforts benefit the localities. But such projects are not new or innovative and should not be supported directly with Law Enforcement Assistance Administration moneys that are supposed to be used for programs to solve problems of national significance. (See pp. 35 to 44.)

Technical assistance

All pilot city teams rendered technical assistance to their localities and, if judged by this criterion alone, could be considered partly successful. The question GAO asked was whether the experience of the eight teams was already sufficient to derive useful information about the processes the teams used and whether such information could be transferred to State and regional criminal justice planning units. GAO believes so. (See pp. 44 to 47.)

RECOMMENDATIONS OR SUGGESTIONS

GAO met with officials of the Law Enforcement Assistance Administration in June 1974 and suggested that steps be taken to phase out the program by June 30, 1975. (See pp. 53 to 55.) These officials agreed to act on the substance of GAO's suggestions. Consequently, GAO has no recommendations to make to the Attorney General.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Law Enforcement Assistance Administration began phasing out the program in July 1974 by reviewing the actions of each pilot city team and determining how and when each effort should be phased out and the extent to which worthwhile projects might be continued with other funds. On the basis of the detailed comments GAO received on its report from some of the pilot city teams, it believes this is the correct approach for phasing out the program.

Many pilot city teams criticized GAO's suggestions and the Law Enforcement Assistance Administration's acceptance of them. They believed their efforts were worthwhile and that GAO took too narrow a view of the program by not sufficiently emphasizing the benefits that accrued to the eight localities.

From a local perspective, many of their comments are valid. From a national standpoint, an assessment of the need to continue the program had to be based on the cumulative experience of all teams and on a determination of whether that experience was worthy of continued, direct Federal support as part of a national test effort. Some teams also stated that they had developed projects that were new and advanced and had national application. To date, however, no specific data is available to determine whether the projects are new and innovative.

Data available to GAO indicated that, although some projects may have national applicability, the projects generally did not appear much different from other efforts funded with Law Enforcement Assistance Administration moneys. Nevertheless, the agency will apparently continue funding some worthwhile projects that might have national applicability or are consistent with the State's overall comprehensive plan for improving the criminal justice system.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Law Enforcement Assistance Administration recognizes the need to better manage projects funded with moneys it controls directly so that such efforts will result in greater national benefits. This report contains no recommendations for action by the Congress. However, because more thought has recently been given to testing certain new program approaches before considering national application, the lessons learned from managing the pilot city effort should assist the Congress in determining how to better insure that executive agencies adequately plan and operate other test efforts.

How Federal Efforts to Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective, April 21, 1975

WHY THE REVIEW WAS MADE

GAO made this review to find out what the Federal Government has done to coordinate the many programs—Federal, State, and local—which could affect the prevention and control of juvenile delinquency in the United States.

FINDINGS AND CONCLUSIONS

Juvenile delinquency must be reduced if crime is to be prevented or curbed.

Total arrests of juveniles under age 18 rose 144 percent between 1960 and 1973 compared to a 17 percent increase in arrests for those 18 and over.

Juveniles in 1973 accounted for 51 percent of all arrests for property crimes, 23 percent for violent crimes, and 45 percent of arrests for serious crimes.

In September 1974 the Juvenile Justice and Delinquency Prevention Act became law; it is designed to improve the Federal Government's attempts to combat juvenile delinquency. Before the law, no adequate national program had been developed to focus resources to prevent and control juvenile delinquency in the United States.

No Federal agency had—

Identified significant causes of juvenile delinquency,

Determined what resources were available for combating juvenile crime,

Developed a strategy to address the causes, or

Informed pertinent agencies' officials of Federal efforts to do something about the problem.

The Federal Government apparently relied on the myriad of antipoverty and social welfare programs to make a significant impact on the problem. To account for the present situation, a summary of recent events is necessary. The most

significant Federal acts, with amendments, dealing with the juvenile delinquency problem were:

1961—The Juvenile Delinquency and Youth Offenses Control Act.
1968—The Juvenile Delinquency Prevention and Control Act.
1968—The Omnibus Crime Control and Safe Streets Act.

The responsibility for acting on juvenile delinquency rested chiefly with the Department of Health, Education, and Welfare (HEW). In 1968 the Law Enforcement Assistance Administration of the Department of Justice also received some responsibilities. The Departments of Labor and Housing and Urban Development and the Office of Economic Opportunity also operated programs that affected the problem. (See pp. 3 to 10.)

Coordination problems

Coordination among these and other appropriate Federal agencies was difficult because they had no standard definition for selecting specific Federal programs for preventing juvenile delinquency or rehabilitating such delinquents. In 1971 the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs—composed of 10 departments and agencies—was created by the Congress. It developed a definition, but it was too broad to be workable. It defined a juvenile as anyone between 1 day and 24 years of age.

The Council also was ineffective. It effected no major Federal legislative or program decisions because it (1) had to rely on funds and staff provided by its member agencies and (2) lacked clear authority to coordinate their activities. (See pp. 22 to 26.) Many officials of the Federal agency programs that the Council had identified as affecting juvenile delinquency were unaware that their programs had such a potential. (See pp. 13 and 14.) Previous estimates of Federal Government expenditures for juvenile delinquency may not be accurate because of the absence of a workable definition of a juvenile delinquency program.

Congressional legislative committees observed that HEW had failed to adequately coordinate Federal efforts because of inadequate administration of the Juvenile Delinquency Prevention Control Act of 1968 and that it requested from fiscal years 1968 to 1971 only $49.2 million of an authorized $150 million to administer the act.

A major administrative problem resulted from the 1968 acts' overlapping roles for HEW and the Law Enforcement Assistance Administration. HEW was to help the States prepare and implement comprehensive State juvenile delinquency plans. At the same time, the Law Enforcement Assistance Administration was to make block grants to the States to address all criminal justice problems, including juvenile delinquency. With more funds available, the Law Enforcement Assistance Administration became dominant in criminal justice planning. It spent about $70 million for juvenile delinquency programs in fiscal year 1971 compared with $8.5 million spent by HEW for that year.

To facilitate coordination, the Secretary of HEW and the Attorney General agreed in 1971 (1) that HEW would concentrate on prevention efforts before a person entered the juvenile justice system and (2) that the Law Enforcement Assistance Administration would focus on efforts once a person was in the juvenile justice system. (See pp. 20 to 22.)

In 1972 Federal regional councils were established in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments. However, the Federal regional councils generally were not very involved in juvenile delinquency projects, according to an official of the Office of Management and Budget, because of inadequate leadership from Washington. (See pp. 26 to 30.)

State and local coordination efforts

GAO's review of the efforts of Colorado and Massachusetts and their largest cities—Denver and Boston—showed that coordination problems in juvenile delinquency in States and cities were similar to those in the Federal Government. Neither State had a single agency or organization coordinating the planning and operation of all programs that could affect juvenile delinquency. Neither had a comprehensive strategy to prevent or control juvenile delinquency.

The State and local situation has resulted in part from the Federal Government's fragmented approach to the juvenile delinquency problem. To seek funds, State and local agencies had to respond to the specific Federal categorical grant programs, each with its own objectives, requirements, and restrictions. As a result, State and local agencies had little incentive to coordinate their activities. (See ch. 5.)

1974 legislation—an impetus for improvements

The Juvenile Justice and Delinquency Prevention Act of 1974, if properly implemented, should help prevent and control juvenile delinquency.

The law—

Creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration;

Provides increased visibility to the problem and a focal point for Federal juvenile delinquency activities;

Improves existing Federal agency coordination and reporting requirements; and

Requires States to make a single agency responsible for planning juvenile delinquency efforts to be funded with Federal moneys. (See pp. 51 to 53.)

RECOMMENDATIONS OR SUGGESTIONS

The 1974 act gives executive agencies a sufficient framework to improve their coordination of juvenile delinquency efforts. Since the act was enacted only shortly after GAO completed its review, it was too early to determine how the agencies were implementing it and, on the basis of such an assessment, to recommend to appropriate officials ways to improve implementation.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Departments of Justice and HEW; Office of Management and Budget; and appropriate Colorado and Massachusetts State and local agencies generally agreed with GAO's findings and conclusions. (See ch. 8.)

The Department of Justice recognized its responsibilities, under the 1974 act, to define Federal juvenile delinquency programs and better coordinate their activities but noted two conditions which may impede its efforts. It has interpreted "New Federalism" to mean that it cannot impose substantial guidelines and definitions other than those required by law, upon State and local operating agencies, but tries to encourage movement in that direction by using funding incentives and training. The Department also noted that its efforts will be affected by the aggressiveness with which the Office of Management and Budget actively encourages coordinated planning through its funding and oversight responsibilities. The Department also outlined actions it had already taken to implement the 1974 act. (See app. I.)

HEW officials expressed concern, based on their previous experiences, about the ability of the Law Enforcement Assistance Administration to effectively carry out its legislative mandates under the 1974 act unless there is a commitment at the highest levels of the Federal Government to the effort. (See p. 59.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

When it passed the 1974 act, the Congress clearly expressed its intent to exercise oversight over implementation and administration of the act. Among the issues the Congress should consider in carrying out its oversight are:

The extent to which the Law Enforcement Assistance Administration is implementing two basic parts of the act—developing comprehensive State juvenile delinquency plans and a national juvenile delinquency strategy in a timely manner.

The extent to which the Law Enforcement Assistance Administration is able to effectively implement certain provisions of section 204 of the act, such as (b)(2), (4), and (f), which basically give the Administration authority to coordinate and direct certain juvenile delinquency efforts of other Federal agencies.

Whether the executive branch will request and allocate funds to adequately implement the act. (See pp. 54 to 57).

Federal Guidance Needed if Halfway Houses Are To Be a Viable Alternative to Prison, May 28, 1975

WHY THE REVIEW WAS MADE

Between September 1973 and June 1974, GAO reviewed 15 State and locally operated halfway houses in Florida, Missouri, Pennsylvania, and Texas. Halfway houses are community-based correction activities for adult offenders.

GAO wanted to know—

Whether the States had developed coordinated, effective strategies for integrating halfway houses into their overall correction efforts and

How successful the houses had been in rehabilitating offenders.

GAO also wanted to determine whether the Law Enforcement Assistance Administration had adequately helped these States plan and establish coordinated, effective halfway house programs. The States had awarded about $1.1 million in fiscal year 1973 Federal funds for these programs.

FINDINGS AND CONCLUSIONS

Halfway houses have increased substantially in numbers and could become a viable alternative for dealing with many criminal offenders, or they could die out for lack of funds and public support.

If they continue to increase in number and improve their operations, they could reduce the need to place many persons in sometimes outdated and crowded prisons. However, the houses are not a replacement for all prisons since there will always be individuals who are not willing to accept the constraints of halfway house living or who present too great a risk to the public safety if placed in a halfway house. The Law Enforcement Assistance Administration has assisted halfway houses financially but has provided little guidance in planning or operating them.

Two studies have stressed that efforts such as halfway houses should be part of well-planned State correctional systems. But the agency has not required those States that are planning or have already financed halfway houses with the Federal funds to describe in their comprehensive plans how the houses fit into their correctional systems. This results from the way the Law Enforcement Assistance Administration managed its block grant program. It permitted each State to develop its approach to improve the criminal justice system within the framework of broad Federal guidelines.

Inadequate organization (see ch. 3)

In 1973 the National Advisory Commission on Criminal Justice Standards and Goals recommended that the Nation place greater emphasis on community-based correction programs and facilities as alternatives to incarceration. The Commission's report has prompted States to study their criminal justice systems.

The States, however, did not have well-organized systems for coordinating State operated and locally operated halfway houses, partly because no one State agency was responsible for establishing and coordinating such a system. The lack of such coordination meant that no State agencies had information concerning the operations of all halfway houses in their States. Therefore, the States could not plan properly to insure that halfway houses were:

Located in areas with sufficient offender populations,

Located where adequate resources and services would be available for rehabilitation, and

Established to serve segments of the offender population different from those already possibly being served by existing houses in the same location.

The States did not have adequate knowledge about the way public and private resources were allocated to operate and develop halfway houses. Such information is desirable to provide public assurance that the States have well-planned and supervised community-based correction systems.

Generally States—

Had not developed a system to coordinate halfway houses to operate with other parts of their correction programs (prisons, probation, parole) and

Had not developed adequate plans for determining the extent to which they should use halfway houses.

Missouri and Texas had only locally operated houses that were not part of the States' correction systems. The States gave these houses Federal funds, not according to any plan to coordinate them with statewide correction efforts, but in response to requests for aid from local groups which had proposed the facilities on their own initiative.

Florida and Pennsylvania had a combination of State and locally operated houses but did not effectively coordinate the two operations. Neither the Law Enforcement Assistance Administration nor the States' criminal justice planning agencies, which are responsible for determining how to spend the agency's block grants, effectively encouraged the States to develop coordinated halfway house

systems. Neither the Law Enforcement Assistance Administration nor the planning agencies adopted operating standards to be used by the houses when no statewide standards exist.

Results achieved (see ch. 4)

The houses were achieving some success in assisting offenders. About 3,000 offenders had participated in the 15 houses' rehabilitation programs; some 2,600 had left the programs.

About 65 percent of the participants successfully completed the program. GAO estimated that, as of June 1974, about 25 percent of these persons were returned to prison.

Of those that failed to complete the programs successfully, about 27 percent absconded from the houses and about 46 percent were returned to prison. The other 27 percent were discharged or their status could not be determined.

About 2 percent of the participating offenders were arrested and incarcerated for committing crimes, ranging from murder to disorderly conduct, while at the houses.

Overall, GAO estimated that about half of all offenders treated by the 15 houses had been rehabilitated; that is, they had, according to the houses, successfully completed their programs and had not become recidivists during the period covered by the review.

The States did not have adequate data reflecting the extent to which other correction methods—prisons, probation, or parole—were able to rehabilitate offenders. Thus direct comparisons with the results of the halfway houses were not possible. The Federal Bureau of Prisons, Department of Justice, however, studied offenders released from Federal prisons in 1970 and determined that their recidivism rate was about 33 percent. This at least provides a general indication that results from halfway houses were not any worse than for some other forms of rehabilitation.

Differences of operations (see chs. 5 and 6)

Although all houses had the same basic objective—to help offenders become productive and law-abiding citizens—they differed in their methods and physical adequacy. Halfway houses should offer different methods to different types of offenders. But some minimum criteria are desirable to coordinate the houses' operation, to achieve acceptable living and rehabilitative conditions for offenders, and to assure that the public safety is being protected.

RECOMMENDATIONS (SEE CH. 7)

The Attorney General should direct the Administrator of the Law Enforcement Assistance Administration to:

Require the States to describe in their comprehensive plans how they will develop an adequate system for coordinating halfway houses with other correctional efforts or improve existing systems and what standards halfway houses must meet to receive Federal funds.

Determine the best aspects of the different approaches now used by halfway houses and develop criteria to assess the houses' effectiveness.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with GAO's conclusions and recommendations. (See app. II.)

The Department:

Recognized the importance of coordinating statewide correctional halfway house programs, but pointed out that coordinating halfway houses with a State's correctional system is complex and involved far-reaching issues affecting public and private resource allocation. However, where feasible the Law Enforcement Assistance Administration will consider addressing or setting parameters in terms of guidelines to be followed to develop a coordination policy for statewide correctional halfway house programs.

Agreed that the Law Enforcement Assistance Administration needs to take an affirmative stand relative to developing and enforcing standards whenever the agency's block grant funds are involved. Accordingly, it will initiate action to require States to incorporate certain information in their comprehensive plans relative to minimum standards which halfway houses

must meet to receive Law Enforcement Assistance Administration block grant funds. In carrying out this action, the agency should specify a minimum level of standards which all States must meet for their plans to be approved.

These actions, if effectively implemented, will help halfway houses become a more viable alternative to prison.

The States generally agreed with GAO's findings, conclusions, and recommendations. However, one State pointed out the difficulties of trying to coordinate locally operated halfway houses with other elements of corrections systems.

MATTERS FOR CONSIDERATION BY THE CONGRESS

One issue facing the Congress when it reconsiders the Law Enforcement Assistance Administration's authorizing legislation in 1976 will be that of determining the Federal Government's role in helping the States reduce crime and improve their criminal justice systems. Among the questions that will have to be asked is whether the role previously played by the Law Enforcement Assistance Administration was adequate.

GAO believes it is significant that the Law Enforcement Assistance Administration has now recognized that it is within its mandate to require States to establish some type of minimum standards for operating projects which might receive block grant funds. Effective implementation of such actions would help clarify to the Congress how the Federal Government can play a positive role to improve the criminal justice system within the general framework of the Law Enforcement Assistance Administration's authorizing legislation.

PROBLEMS IN ADMINISTERING PROGRAMS TO IMPROVE LAW ENFORCEMENT EDUCATION, JUNE 11, 1975

WHY THE REVIEW WAS MADE

GAO reviewed the following three law enforcement education programs to determine how they were administered and whether they were benefiting students and the criminal justice system:

Loans and grants to students employed or preparing for employment in criminal justice (Law Enforcement Education Program).

Internships awarded to students who want criminal justice work experience (Internship Program).

Improvement of schools' criminal justice curriculums (Educational Development Program).

From fiscal year 1969 through fiscal year 1974, the Law Enforcement Assistance Administration had about $161.5 million to spend on these programs at about 1,000 colleges and universities with over 100,000 students.

FINDINGS AND CONCLUSIONS

Many persons were attracted to criminal justice careers or improved their police, court, or correction jobs because of the law enforcement education programs. However, management of the programs before 1974 was inadequate.

Problems resulted from:

Failure to establish clear-cut goals and objectives,

Frequent organizational changes,

Numerous and sometimes questionable policy changes, and

Insufficient staff.

These resulted in:

Untimely and subjective distribution of funds to schools, inefficient use of funds, and large unspent balances at the end of the fiscal years.

Deficiencies in accounting for participants so that the agency was unable to hold individuals accountable for receiving education funds.

Insufficient program monitoring.

No program evaluation.

In January 1974 the Law Enforcement Assistance Administration, partly in response to GAO's concerns, requested the help of the Federal Government's Joint Financial Management Improvement Program to review most financial aspects of the Law Enforcement Education Program. After the program staff issued its April 1974 report, the Law Enforcement Assistance Administration began to correct many of its financial and management problems.

Impact of the Law Enforcement Education Program

In January 1974 GAO sent questionnaires to a random sample of graduates from the Law Enforcement Education Program. Among other things, the results showed:

Persons, other than police, working in parts of the criminal justice system were not taking full advantage of the program.

Although court, probation and parole, and corrections employees accounted for 33 percent of all criminal justice employees as of October 1972, only 18 percent of the employed respondents were working in these areas.

Most respondents who attained degrees received bachelor degrees—253 of 463, or 54 percent.

Generally, employed respondents other than police reached a higher level of education than respondents who were police.

Respondents were attracted to criminal justice work because of their participation in the Law Enforcement Education Program. About 66 percent now working in the criminal justice field who had no prior criminal justice experience said their participation in the program influenced their decision to work in the field and 97 percent of these intended to make it their career.

The questionnaire results showed that about 39 percent of the respondents without prior criminal justice experience who actively looked for work in the criminal justice field had failed to find employment at least 6 months after they graduated. Sixty-five percent of the women could not find criminal justice jobs compared to 32 percent of the men. Overall, about 48 percent of the graduates with no prior criminal justice experience did not obtain criminal justice employment. This adversely affects the program's objectives and means that improvements are needed.

About 86 percent of the respondents who were working and had prior criminal justice experience were police. Most respondents with no previous work experience found criminal justice employment with police agencies.

Respondents said courses they took had improved their knowledge and understanding of matters in their criminal justice occupations. Areas in which the highest proportion of respondents believed their courses had improved their competence were

Human relations principles (84 percent),
Community relations (82 percent),
Recognizing and dealing with evidence of deviant behavior (81 percent),
Legal aspects of arrests, etc. (80 percent), and
Legal definitions of crime and crime participants (80 percent).

This suggests that schools are emphasizing the criminal justice areas with widest applicability. (See ch. 2.)

Administrative problems in the Law Enforcement Education Program

Until August 1973, the Law Enforcement Assistance Administration did not have accurate information on how much of the program's funds schools had spent or what unused funds they were holding. GAO determined that the Federal Government incurred unnecessary interest costs of at least $169,000 because of the amount of unused funds which remained at many schools for fiscal years 1969–73.

The agency's management shortcomings caused a gradual increase in the number of student promissory notes for which the agency could not properly account. The number of unfiled notes by August 1973 was about 250,000. In short, the agency had inadequate financial and administrative control over the program. (See ch. 3.)

Delays in implementing the Internship and Educational Development Programs

The basic problem with both programs has been delays in distributing funds. Through fiscal year 1973, $1 million had been appropriated for the Internship Program but $375,000 remained to be spent. Before fiscal year 1974 only $5,000 of the $3.25 million appropriated for the Educational Development Program had been spent. In fiscal year 1974, $5 million was awarded under the program to seven universities. The agency had been extremely slow in carrying out the intent the Congress had when it established these programs in 1971. (See pp. 38 to 42.)

Actions to improve administration

In May 1974 the Law Enforcement Assistance Administration began to correct many of the problems noted, estimating the work would take about 14 months. As of November 1974, it had:

Instituted improved accounting procedures for reducing excess cash balances at schools.

Instituted improved procedures for processing and filing student promissory notes, thus eliminating backlogs.

Developed design specifications for an improved Law Enforcement Education Program billing and collections system.

As a result, institutional fund balances have been reduced and the backlog of unfiled promissory notes has been eliminated. The Law Enforcement Assistance Administration, however, may not have adequate staff in some of its regional offices to effectively monitor institutional corrective actions if the new accounting procedures indicate that the institutions are not managing their funds properly. (See pp. 33 to 36.)

RECOMMENDATIONS

The Attorney General should direct the Administrator, Law Enforcement Assistance Administration, to:

Provide information on employment opportunities to Law Enforcement Education Program participants and determine what factors are preventing many graduates with no criminal justice work experience from finding criminal justice employment.

Consider how career counseling and placement services might be provided to Law Enforcement Education Program participants to insure that criminal justice agencies will benefit from their knowledge and training.

Monitor the effectiveness of each regional office staff in carrying out its Law Enforcement Education Program management responsibilities and determine whether some regions need additional staff.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with GAO's findings, conclusions, and recommendations. (See app. I.) It stated that the Law Enforcement Assistance Administration was proposing certain policy and administrative changes for fiscal year 1976 to provide (1) better assurance that students in the Law Enforcement Education Program are committed to and find criminal justice work and (2) more effective program and financial management in its headquarters and regional offices.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Steps now underway to improve the law enforcement education programs should be completed by the fall of 1975. GAO recommends that the cognizant appropriations and legislative committees discuss the results of these improvement efforts with Department of Justice officials to determine whether appropriate corrective actions have been taken. To facilitate such a determination, the appropriate committees could request the Attorney General to review the Law Enforcement Assistance Administration's management of its education programs and report to the committees by the end of fiscal year 1976.

TESTIMONY OF VICTOR L. LOWE, DIRECTOR, GENERAL GOVERNMENT DIVISION, U.S. GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY DANIEL F. STANTON, ASSOCIATE DIRECTOR, U.S. GENERAL ACCOUNTING OFFICE, AND RICHARD L. FOGEL, ASSISTANT DIRECTOR, U.S. GENERAL ACCOUNTING OFFICE

Mr. LOWE. Thank you, Mr. Chairman.

As you know, Mr. Stanton and Mr. Fogel have worked with your subcommittee and with the Judiciary Committee over the past several years in trying to help Congress oversee LEAA, as well as other portions of the Department of Justice.

We are pleased to be here this morning as the subcommittee begins its deliberations concerning the renewal of the Law Enforcement Assistance Administration program. Our testimony presents our views on the progress and problems of the program. And as you mentioned before, our views are based on some extensive reviews of LEAA activities and projects that have been made over the past several years.

Attached to our statement are the digests of the reports that we have issued to the Congress since the passage of the Crime Control Act of 1973.

Concern about crime and its adverse effect on our society transcends political, social, and economic strata. Everyone would like to live in a safe society. But not everyone is in agreement on how to bring about such an end.

In 1968 the Congress and the administration agreed that one way to try to address the problem was to create the LEAA program to assist State and local Governments improve their criminal justice systems, and reduce crime.

Eight years later we believe it is fitting for the subcommittee to ask whether the efforts have been worthwhile and to ask whether the allocation of about $4 billion within the framework of the current legislation is the most effective way for the Federal Government to proceed to address the crime problem.

That the criminal justice system has changed since 1968 is undeniable. As a direct result of the legislation and LEAA's efforts, all States have in place established criminal justice planning units that are working toward integrating police, courts, and corrections efforts. Some State planning units are much more effective than others and some have not managed resources as effectively as possible. But one of the fundamental purposes of the legislation—that is, to establish planning mechanisms—has largely been achieved.

Similarly, all States and many localities have benefitted from the program. Through fiscal year 1975, LEAA and the States had funded over 100,000 projects, most of which benefitted the localities at least to some extent. Thus, another objective of the legislation, to distribute moneys to States and localities to fund projects, has also been achieved.

But is that enough? What are most people concerned about when they think of the LEAA program? While we have not conducted a poll, we would guess their primary concern—right or wrong—is whether the effort has reduced crime. Since the crime rate has increased, they assume the program has failed.

Any such conclusion, however, must be tempered by several points: The Congress never clearly stated that the goal of the program was primarily to reduce crime. Total expenditures for the LEAA program between fiscal years 1969 and 1975 represented only about 5 percent of all moneys spent for State and local criminal justice efforts. Thirty-three of the 55 State criminal justice planning agencies established by the LEAA legislation in 1968 acknowledged that they still had not been given authority by their States in 1975 to plan for the allocation of all moneys within the State going to criminal justice activities. They only planned for the use of LEAA funds.

Thus, it is unreasonable to say the LEAA program has failed because the crime rate has increased.

But is it unreasonable for people to question whether Government, in general, has failed because the crime rate continues to increase? We think not. One of the primary concerns of most people, according to a recent Gallup poll, was crime and its increase.

We do not believe either the Congress or the executive branch can ignore that concern in determining whether to extend the LEAA program in its present form. Recognizing that the money provided

by LEAA's efforts was not sufficient to directly affect the crime rate, we believe the more appropriate way to assess the worth of the program is to ask: Are we any closer now, after 8 years of the LEAA program, to knowing why the crime rate increases, and what to do to reduce it? We believe the answer is no.

Last year an internal Office of Management and Budget memorandum characterized spending under the LEAA program as follows: "LEAA funds have been used for projects which have little or no relationship to improving criminal justice programing. Funds are so widely dispersed that their potential impact is reduced. The absence of program evaluation severely limits the Agency's ability to identify useful projects."

LEAA's National Institute of Law Enforcement and Criminal Justice spent about $112 million from fiscal years 1969 through 1975 on research to improve and strengthen law enforcement and criminal justice. But the institute's director testified before the Congress in July 1975 that: "Perhaps the single most important thing that can be said about these 7 years of extensive research under the LEAA program is that they have exposed how little we know. We have learned little about reducing the incidence of crime, and have no reason to believe that significant reductions will be secured in the near future."

Moreover, we now have underway a review in four States to determine how well LEAA and the States have taken actions to implement our previous reports' recommendations. This effort, while still not complete, indicates that the present program's efforts may not necessarily advance our knowledge of what works best to reduce crime.

In the four States we randomly selected project evaluation reports and determined that in 69 percent of the ones reviewed, there was no link between the projects' goals, objectives, and activities and any basic crime prevention or reduction premise. In only five of the remaining projects was the issue adequately addressed.

We expect to complete our review and issue a report on the effort this spring and will provide the subcommittee with copies of the report.

Our report on halfway houses showed that inadequate research was done to determine what types of approaches work best in the houses. Our report on LEAA's pilot cities program showed that it was not designed properly to produce adequate information on project results. A change is needed in the program's emphasis.

There has not been sufficient systematic planning, testing, and evaluation of efforts to adequately advance the Nation's knowledge as to how to effectively fight crime. Much more systematic research and evaluation are needed into what works.

GAO Responses to Questions

Question. Can we deal with the problem of street crime without dealing with the problem of nonstreet crime, including governmental crime?

Answer. Our nation's law enforcement agencies should aggressively pursue investigation of all types of criminal violations. Moreover, we believe most citizens consider it necessary to deal adequately both with street and nonstreet crime if there is to be equal justice and general respect for our laws. Accordingly, the LEAA program should focus on both types of crime. In that regard, it is worth noting that LEAA funds have been used to establish numerous State and local law enforcement units to fight organized crime.

The Federal Government should play a more active role in researching how to reduce crime. More Federal dollars should be spent by Government, Federal, State and local, to test theories and approaches and evaluate their results, rather than on State or local projects which are not part of controlled research efforts to advance the state of the art.

That adequate knowledge will not necessarily be realized for some time under the current approach is evidenced to a certain extent by problems identified in our previous reports on the LEAA program in the areas of evaluation, standards, and goals, and technical assistance and in our current review of the extent to which LEAA and the States have implemented our previous recommendations.

The subcommittee is well aware of previous congressional concern about evaluation of the LEAA program. This concern was most explicitly expressed in section 402 of the Crime Control Act of 1973, which mandated that LEAA, through the national institute, evaluate programs and projects carried out under the act. The Congress also placed evaluation responsibilities on the States, most specifically in certain sections of parts B, C, and E of the act dealing with conditions under which the States can receive block grants.

How are LEAA and the States carrying out their evaluation responsibilities? What are some of the problems encountered? Are they being adequately overcome?

LEAA has attempted to meet the evaluation mandate the Congress gave it in 1973. Some of the problems LEAA and the States had to overcome to fulfill the mandate were addressed in several of our reports, primarily our March 19, 1974, and October 21, 1974 reports. Both of those are footnoted in our statement.

LEAA and the States were unable to identify which program strategies have been successful under different conditions, target areas, or groups of individuals. Such knowledge is essential if the Nation is to better understand how to reduce or control crime.

We have made recommendations to stimulate the use of program level and outcome evaluation; to generate comparable information about the rate of success and costs for projects which have different strategies but are designed to achieve the same or similar end results; to develop standardized, uniform, valid, and reliable data bases to assess the impact of a variety of project efforts upon defined target populations at risk and for defined geographic areas; to require standardized reporting systems to permit the comparison of project results within and between program areas such as police, courts, corrections, through the use of standardized measures and assessment criteria; to standardize the quality control of evaluation processes and results to insure comparability, reliability, and validity of results for decisionmaking and planning.

We also emphasized the need for incorporation of the results of such evaluations in decisionmaking and planning activities at Federal, State, and local levels.

We recommended that LEAA be more specific and assume leadership for specifying guidelines and requirements to the States in the implementation and use of evaluation.

It is clear that LEAA is trying to evaluate its program and is to be commended for undertaking such an effort. What remains to be answered, however, is whether these efforts will work.

Our current review of the extent to which LEAA and several States implemented our previous report recommendations is assessing the nature, use, and utility of evaluations in planning, decision and policymaking management, and related operations.

Although our analysis is not yet complete, we are able to provide some tentative observations and conclusions.

Some evidence indicates that there are still problems and issues with LEAA evaluation program efforts that need to be addressed and resolved.

Further, it appears that the States and localities are still experiencing serious difficulties in doing and using evaluation processes and results.

Several patterns emerging thus far suggest that LEAA evaluation program initiatives have not had a substantial impact on improving State and local evaluation efforts. Yet 85 percent of the effort and funds are in the hands of State and local government decisionmakers.

How much evaluation work is being done?

Three of the four States we visited do not have an adequate evaluation program and, in our opinion, are not complying with LEAA's guideline requirements or maintaining an adequate evaluation capability. In the fourth State, evaluation efforts are highly decentralized, with local planning units deciding what and how much to evaluate. In three States less than 15 percent of the projects were evaluated. Only 3 of the 42 project evaluations randomly selected for our review were outcome evaluations.

There is relative absence of definitive criteria to determine what, how much, and when and what level of evaluation is appropriate. Also, poor planning and design of evaluations prior to initiation of the program or project have resulted in imprecise evaluation findings and conclusions about program and project effectiveness and impact.

None of the States we visited had established standards and formats for evaluation reporting. Consequently, there are few controls to insure comparability of evaluation data on relative effectiveness. In none of the four States was there, in evidence, any established procedures for corroborating the validity and reliability of evaluation data, interpretations made, and conclusions drawn.

Unless evaluation results are available and used they are of little value. None of the four States we visited had established systematic procedures for the dissemination and timely feedback of evaluation results for decisionmaking, State comprehensive planning, and policy formulation. Many of the State staffs we talked to indicated that information generated has had limited utility for decisionmaking and planning.

In many instances key law enforcement planning staff, as well as other State officials having responsibility for criminal justice matters, indicated that decisionmakers are not systematically consulted in advance in decisions as to what, how often, and at what level evaluation should be done.

About 62 percent of the State officials we contacted indicated that during 1975 they were never consulted in advance by LEAA and the State planning agencies in decisions as to which programs and projects were to be formally evaluated and what their evaluation information feedback needs would be.

None of the four States included in our current review had established an impact evaluation information system, such as had been recommended by us, to facilitate the timely comparison of project results and accomplishments.

When asked whether they were satisfied with the evaluation information they were receiving, 30 percent of the State officials contacted indicated they did not receive such information; and another 22.5 percent reported they were dissatisfied with what they did receive. When asked whether evaluations were timely, only 20 percent indicated that the evaluation information provided was of use "all or most of the time," while another 35 percent indicated they did not receive appropriate information or received none at all.

Decisions to continue previously funded projects, either with additional Federal funding or assumption by State or local government, are frequently unaffected by the results of evaluations which have been conducted.

A nationally recognized research organization has stated that to do meaningful program evaluation, the costs range from 15 to 25 percent of project budgets when evaluation is done on a project-by-project basis.

Three of the four States we visited allocated 1 percent or less of their available fiscal year 1975 LEAA funds to evaluation.

State planning officials in three of the four States indicated that the amount of funds available under part B of the 1973 Crime Control Act to plan, design, and carry out evaluations has been totally inadequate.

The 1973 act provided for the use of part C, action, part E, corrections, and part B, planning funds by LEAA and the States for evaluation purposes. Yet, our audit work indicates that confusion and difficulties still exist among the States in the use of part C funds for evaluation. Several State officials we contacted indicated that some State and local policy and decisionmakers believe that part C funds should not be used to support administrative costs which they, assume to include evaluation functions and activities. In addition these officials indicated the difficulties they experienced in attempting to allocate and use part C funds for evaluation on other than a project-by-project basis.

Legislative and administrative provisions mandating the pass-through of part C funds to units of local government and necessity of hard cash match by localities, have limited States' flexibility to use part C funds for evaluations other than on an individual subgrant-by-subgrant basis by building in a portion of funds for evaluation as part of each subgrant.

We believe these factors have contributed to the limited use of program level outcome evaluation suggested by the recommendations contained in some of our previous reports.

In our opinion, the limited availability of existing part B funds, the administrative problems, and reluctance to use part C funds for evaluation as opposed to funding action projects, suggests that some change in the legislation may be needed to better assure that moneys are allocated and used for evaluation purposes.

Some possible options Congress may wish to examine and consider could include one or a combination of the following: Establish a

separate part in the legislation which mandates an adequate amount of funds which may be used for evaluation purposes only; mandate that a certain percentage of parts B, C, and E funds be set aside by the States for evaluation purposes only, which would not be subject to passthrough requirements; or require LEAA to allocate an increased amount of its discretionary funds to the States to develop and maintain more effective evaluation capability.

In conclusion, it is not clear that LEAA and the States are any further along in knowing which specific programs and project strategies have been successful, and importantly, which have not; or, identifying what the cumulative impact Federal funding may have had upon the effectiveness and efficiency of other Government programs and services, in addition to crime and criminal justice performance.

We believe answers to these questions are essential and must be made available to all persons who are responsible for planning and decision and policymaking functions involving the allocation of resources designed to reduce, control, and prevent crime and juvenile delinquency.

Mr. Chairman, since you have inserted the whole of my statement in the record, I think I would just like to summarize essentially the same points we are making in regard to evaluation, we make essentially the same point regarding standards and goals and technical assistance. And if I could, I would like to skip to the bottom of page 20 of my statement and conclude a little more briefly so that you have adequate time for questioning.

We have previously pointed out that LEAA funds constitute a very small proportion of crime reduction and criminal justice expenditures. Without increasing the amount of the Federal investment, one possible approach to consider is placing the emphasis of the program upon an expanded research, development, and demonstration role by LEAA, which continues to involve the States and localities.

A national strategy to reduce crime under this approach would build upon the relative strengths of program efforts which are proven to produce a significant crime reduction outcome based upon rigorously controlled research.

States and localities could participate in the operational planning, implementation, and management of projects which are consistent with those program strategies which are proven to have merit. A different ratio of funding between discretionary and block grant funds might be necessary at first; with the emphasis upon systematically planned variation in program approaches, which build in the evaluation research requirements in advance of implementing individual project activities.

Those efforts which have demonstrated crime reduction payoff could then be funded under different settings with ongoing evaluation of their relative effectiveness. Successful programs could then be assumed by States and localities with increased confidence of their value and impact upon the crime problem.

This concludes our prepared statement, Mr. Chairman. We will be pleased to respond to any questions.

Mr. CONYERS. Thank you very much. I think your statement is very appropriate to inaugurate these hearings. I will yield now to the ranking minority member of this committee, the gentleman from Illinois, Mr. McClory.

Mr. McCLORY. Thank you very much, Mr. Chairman. I want to say how very much we appreciate this statement and how very important it is that we can benefit from the views of the General Accounting Office which can review and comment with respect to the Crime Control Act and its implementation.

I will just add this comment. I will ask a couple of questions.

It is extremely vital that we develop some improved system for evaluating the various projects and the various functions which are carried on by State and local law enforcement and criminal justice agencies pursuant to this major effort on the part of the Federal Government with respect to, primarily, street crimes, which was the original purpose of this legislation.

I am the author of the amendment to the original act which established the National Institute on Law Enforcement and Criminal Justice. It was my intent that the Institute should be the major Federal agency for measuring the value of the research and projects carried on at the State and local levels, in addition to developing training programs with respect to all the personnel who are involved in this whole subject of law enforcement—the police, the probation, and crime prevention services and all the rest.

I am a little confused by your statement in which you seem to imply that the States should have more funds for doing evaluating with the idea that we would have 50 different evaluating agencies. I am wondering if you would not feel—and you do at least imply this in your statement—that the National Institute—and do you not feel that the National Institute might have its role substantially augmented to serve as the central evaluating agency for determining what projects, what activities, what programs are of major significance for further Federal support in trying to reduce crime in America?

Mr. LOWE. I guess, Mr. Chairman, I would really have to agree with both of your points, as I understand it. I think the National Institute has to do a better job, and I think it has come a long way since it was first established. I think what we are also saying, though, is that the States necessarily have to do a great portion of the evaluation work, but that the National Institute and LEAA should have a bigger say in bringing all of the evaluation efforts into something that can be utilized nationally, rather than on a project-by-project basis. There should be more standardization in program approaches and in the type of evaluation that is being done. We think that LEAA can play a greater role in this than it has in the past, and I believe they are moving in that direction.

Up until a couple of years ago, I think LEAA sort of resisted our suggestions that they set the pace and direct how things would be done in the evaluation area, but I think recently, during the last couple of years, they have come around to our way of thinking more than they have in the past. They need to exercise, not a directive role, but a leadership role in making sure that the evaluation is done in such a way that it can be used at the national level, as well as at the State level.

Mr. McCLORY. Well, the National Institute has been terribly underfunded, and I think that some of those who opposed its establishment have reacted by holding down the appropriations so that they have been very, very limited. The Institute is really just beginning

to emerge as the kind of central research and training center which can enable the Federal Government to give a kind of leadership in the area of crime which it has given in the areas of health—with the National Institutes of Health—and in science—with the National Science Foundation.

So, it would seem to me that this extremely important subject of crime deserves to have an agency which is similarly funded, given similar prominence in the whole criminal justice field. Would you agree with that?

Mr. LOWE. Yes, I would agree that it is very important that the Institute be put in a position where it can exercise the leadership that it should.

Mr. MCCLORY. In order to serve the role that you find is deficient at the present time?

Mr. LOWE. Right.

Mr. MCCLORY. Did you——

Mr. FOGEL. Yes, I just wanted to add that we did not mean to imply in the statement that more money should be directed to the States' evaluation efforts in lieu of the Federal LEAA effort.

One of the things we are very concerned about is that even with the moneys the Institute has used in evaluation, that they have not effectively designed national strategy efforts to try to test the various approaches to reduce crime and to then evaluate them to see what works. So what we are looking for is more front-end direction and design from the National Institute which, then can tie into the types of evaluation that the law envisions the States and localities must do.

One of the things that concerns us, though, is the limited extent to which the States seem to be able to get off the ground to do evaluations. That leads to the conclusion that, even though the National Institute and LEAA generally have been taking a lot of action in the past year to try to develop programs, it might be questionable as to the extent to which the States are really able to cope with evaluating things and then make decisions on funding projects that are consistent with any strategies to try to reduce crime.

Mr. MCCLORY. I have been particularly disappointed myself in what appears to me to be a real lack of effective innovations in the area of rising crime. I attended a discussion, as the chairman did, not too long ago at the Library of Congress, where we had a seminar with some of the leading experts on the problem of crime. The main emphasis was on demonstrating the rates of increase in crime. I listened attentively for a couple of hours to find out what might be suggested as the innovations that would help us to reduce crime, but I was terribly disappointed. Sometimes I hear little suggestions like, "if we could get more people to walk on the streets * * * just the physical presence of people on the streets," that this would result in a substantial reduction in street crime. I tend to agree with that, and, of course, it does not take a big research project, I do not think, or any expensive equipment, in order to come up with, you know, an innovation like that.

Maybe we should be doing research on what has gone wrong. We had much less crime under an earlier lifestyle and, maybe, if we just made some recommendations to restore some of those things we could help get back to those lower figures.

Do you have any thoughts on how we can stimulate real innovations which can be effective? I do not care how simple they are, how unsophisticated they are, and I have an idea that maybe we need less sophistication and more imagination.

Mr. LOWE. I think that is essentially what we are saying, Mr. McClory. This word evaluation and measuring outcome and results—it gets sort of complicated. I guess what we are really saying in this statement is that the Institute and the State agencies ought to be doing more and a better job of finding out which particular things work. That is important, and it is also equally as important to find out what things do not work, so you do not keep funding those.

Mr. FOGEL. One of the problems, too, is that there has always been considerable pressure for the States and localities to spend the money and get projects on the street, and that pressure sometimes results in not planning the efforts as adequately as they could. Other witnesses might be able to provide you more information on the extent to which they think that type of pressure inhibits them from doing the type of thinking that they might be able to, to come up with better ways to address the problems.

Mr. MCCLORY. Do you have a view on the relative value of short-term, as against long-term, local, State and local projects?

Mr. FOGEL. Not specifically. Our reviews have shown that generally after about 3 years LEAA assumes that the States and localities will pick up projects.

I think that we would view that it would take a longer period of time to implement projects to try to find out what works and does not work than it would to, let us say, just go in, in a year's time and fund a program to train police better or to open a youth service bureau, but you need to fund certain efforts over several years to find out whether they are having any effect on improving the system or reducing crime.

Mr. MCCLORY. There was a very critical article yesterday in the New York Times, critical of the chairman of our general committee, and very critical of a long-term LEAA project in Newark, N.J., which apparently the project manager or director felt was not worth the money, and it was charged that the chairman wanted to have the project continued.

Did you evaluate that particular project? Was that in one of the target areas which was included in your research?

Mr. FOGEL. No, we did not, Mr. McClory, evaluate the impact cities program, which is, I think, what you are referring to. We evaluated the pilot cities program, which went before that.

Our position is that while there might have been some administrative problems with the pilot cities program, the approach is one that we would endorse. LEAA has several other initiatives underway such as the high crime area program and the career criminal offender program, in which they are trying to use considerable amounts of money which are being spent at LEAA's direction and design to address specific crime problems to see whether they work or whether they do not work, and we feel that that is the type of effort that has to be made.

In other words, these are long-term projects, they involve a lot of money and, of course, when you start spending that amount of money, you are inevitably going to have administative problems. But we do

not think that because someone might have criticized that effort, that LEAA should discontinue that type of approach. In fact, we would like to see them do more of that.

Mr. McCLORY. One of the rather simple changes, but I guess an expensive one, in Newark was the street lighting program, which is also a program which is utilized in my neighborhood here in the District. It seems to me it is a very good one. It gives me a sense of security whether there is any reality or any justification for it or not, I do not know, but would that be a—has there been an evaluation of that? Is that a valid recommendation?

Mr. STANTON. The National Institute had an evaluation made of the impact cities program, but the findings are not available at this time. They are still in draft, but they should be available pretty soon. It should deal with that type of project.

Mr. McCLORY. Will it be available to this committee then fairly soon?

Mr. FOGEL. Yes, I would think it would, and I would think you could ask the LEAA representatives when they come up to discuss that. But one of the problems that we have found, for example, when we did our review of the pilot cities program, which was a major effort that was set up by LEAA when Mr. Leonard was administrator and was trying to test new and innovative ideas, was that essentially the program was not very successful. In fact, we recommended to LEAA that they phase it out, and they did, but several of the cities in the program put in street lighting efforts.

One of the problems we have got is to what extent, let us say, has LEAA evaluated that street lighting effort, the street lighting efforts that were put in under the impact cities program or through projects that were implemented by block grants, to see whether that approach really works. Our feeling is that that is where they have not tied it altogether to be able to come up with an answer of how or whether the lighting effort does deter crime or does not.

Mr. McCLORY. What is the difference who puts it in?

Mr. FOGEL. Well, it does not make any difference. Our concern is, have they looked at that type of effort and come up, you know, with an answer so that they can help the States figure out whether they should put more money into that type of thing.

Mr. McCLORY. Well, I think my time is up. Thank you, Mr. Chairman.

Mr. CONYERS. The mayor of Highland Park, Hon. Jesse P. Miller, just happened to come in to the room during these hearings. Highland Park is a city that is located in the First District of Michigan and that is the district that I represent, and his presence here reminds me of what is going to be the big tug of war on all the members, and the song is going to, with some variations in the refrain, go like this: We have got to get, Mr. Congressman, all of the LEAA money on projects and grants that we have had in the previous years, and if we can, a little bit more. We need more policemen for the streets. The citizens are demanding more protection. We have got some fine programs here that are threatened by the SPA. Even if the money remains the same, the rate of inflation is eating into it by 10 to 12 to 15 percent.

Now, what friendly words of wisdom do you have for us and them with regard to that kind of discussion that is going to go on in, I can guarantee, 435 districts?

Mr. LOWE. Well, being sort of realistic about it, I suppose I would have to say to start with that once a program is started, it is well nigh impossible to change it very drastically or reduce it.

I think that it is human nature for all the States and local governments to want more and particularly if you represent a city, more for cities, or if you represent a State, more for States.

We have done some very interesting work in our office in the last couple of years in the intergovernmental relations area, and I just happen to have with me a copy of a report that we issued not too long ago, in August 1975, entitled "Fundamental Changes Are Needed in Federal Assistance to State and Local Governments". I would like to leave a copy of this with you; some of the charts in the report tell a better story than some of the other writing.

But life gets awful complicated, I think, at the State and local level with the proliferation of grant programs that we have. There need to be some changes made, we think, in order to streamline the way the programs operate, and particularly so that some of the local governments that do not participate in some of these programs have a chance, an equal chance, with some of the larger communities.

Mr. CONYERS. Oh, for God's sake, if you are going to start bringing in more, I am worried about what do we tell those that are already getting what they consider diminishing slices of the pie, and are up against the pressures that if we had more police, we could get this grant through and put 50 more police on the streets, but do not start telling me about how we are going to get more people into the act. As I see it, somebody is going to have to get off the ship, rather than taking any more people on, do you not think?

Mr. FOGEL. Mr. Chairman, I think one answer you can give the States and localities is that even if you change the emphasis of the program somewhat, the money will still be spent at the State and local level. The change would be in the way that decisions are made to spend it, to try to develop a more cooperative thinking process among the localities and States and LEAA and get some better decisions so that you are not spending the money in the way that OMB characterized it last year, which is in a relatively diffused fashion which does not really help you learn too much.

I think the other thing to point out is that this program, as we mentioned, represents only 5 percent of the moneys going into States and local governments for the criminal justice efforts, so I would not think that the displacement that would occur if you change the way some projects were funded would be that significant.

Mr. CONYERS. Well, the problem that I persist in raising with you is that LEAA for many municipal authorities is a matter of how you get Federal bucks in a diminishing municipal budget and, frankly, at that level they could care less where it came from, Washington or the Soviet Union. They need some money and they see LEAA, frankly, as another Federal program with a billion dollars available, and they have an increasing crime problem. I do not know a city in this country that does not. And, so, the very thought of changing some of these programs that have already gotten started, that are being used to hire cops, has a frightening aspect.

As a matter of fact, as well as we might like the notion of more emphasis on evaluation and research, which implies less hardware money, which implies less money for police bodies, somebody is going to have to break the news as gently as we can to the Mayor Millers around the country that this is the state that we are in.

Now, please, counsel this subcommittee and, in that same process, the rest of the Congress, on the subject.

Mr. STANTON. Well, we certainly do not have the answer to those questions. It is really a question of whether the LEAA program continues the way it has for the past 8 years for another 5 years and supplement the local budgets, or does it take a different direction and really try to attempt to solve the crime problem.

Mr. ASHBROOK. Mr. Chairman, would you yield for one question?

Mr. CONYERS. I certainly will.

Mr. ASHBROOK. I apologize for not being here from the beginning. I am also at hearings of our Subcommittee on Labor.

You mentioned one thing that hit a responsive chord. You used the word proliferation. There was a tendency when manpower training, retraining, and so forth, was the vogue that program after program developed. All of a sudden we took a couple of steps back, looked at it, and found that we had 19 competing manpower programs on the books at the same time. One a basic manpower program; one for urban areas; one for areas of high delinquency; one for farmers hurt by leaving the farm; one for workers hurt by the impact of imports; one for depressed areas, and on and on. So there were program after program, all with their own hierarchy, all with their own guidelines, all with their own staff, basically doing the same thing. At the largest one, the Manpower and Redevelopment Act, and then you come along with CETA. In every area it seems the Congress does this.

Now, you mention one word, the trigger word for me, and that is proliferation of agencies, efforts, programs, to do the same thing. The Chairman has indicated that this may be one of the reasons why not enough money goes back to these areas, that there may be too much proliferation, not enough consolidation, not enough is honing in on the point. In too many different areas that were all trying to do the same thing. But by the time you are done, your overhead in the program eats out a lot that never gets back to the Highland Parks, the Cincinnatis, Ohio, the Johnstown, Ohio, and so forth. I have seen this in other areas. In education, they would have 129 programs in education where 50 years ago we had two or three basic ones, and I think there certainly is an overhead cost that comes away from the local and State areas that is eaten up.

Now, you use the word proliferation, and I apologize if you went into this before, but could you tell me the extent to which, maybe, this is a problem, of the local not getting as much money as they might?

Mr. LOWE. Well, I think it is a problem, Mr. Ashbrook, and I will be sure that you get a copy of this report that we issued in August 1975. If I can get away from LEAA for just a moment, the kind of things you are talking about are addressed in that report. As a matter of fact, we are doing an in-depth study of that particular area right now.

We talk about planning programs, and our first inventory, which is not easy to come by, showed that there were some 25 different planning;

programs run by 15 different departments and agencies. These are programs with money for planning that goes out to State and local governments. We are doing sort of an in-depth study in that particular one right now.

I think that in the past year or so I sort of detect from what I read in the paper and the Congressional Record that there has been a move on in the Congress to look at this proliferation of programs. One program area you mentioned just a moment ago happens to be the manpower programs. We looked at that area in the District of Columbia before CETA was passed and it looks like that (showing chart). So life does get sort of complicated, particularly, I think, for the people at the receiving end as to how to deal with all of these various programs when none of them exactly may fit their problem.

As far as LEAA is concerned, I think the Congress really has a whole range of program approaches it could use if the LEAA money were distributed on a formula basis such as in revenue sharing. They would need hardly any administrative effort. But I do not really think that is why LEAA was set up. I think it is set up to offer States and localities leadership and to allow LEAA to do some studies to try to come up with programs and activities which would reduce crime. If it is a matter of just funneling the money out to State and local governments, well then we could do that a lot easier than by LEAA.

So, I do not really think that was the purpose of Congress here, at least the whole purpose. It seems the LEAA has a higher duty to perform than to merely disburse money, and the State governments that receive the money, also have an obligation to try to find out what programs and projects work and to spend their money on those, rather than on a whole list of programs.

Mr. ASHBROOK. Well, the last one thing—and I appreciate the Chairman yielding—but as a newer member of this committee, I am not as aware of the overlapping one upon top of each other programs as I would be, say, in education and labor, but I do not think that we can look at LEAA without some cognizance of the fact that this pile on approach has been a part of the tradition in Congress in the last 15 or 20 years, and that in a way may direct some of our attention to the spending of the dollar, how much those communities are getting, and I appreciate your answer.

Mr. LOWE. As a matter of fact, the LEAA program, the block grant program, was quite an innovation. When it first came in, as I recall, it was the first so-called block grant program, and, obviously, they had a lot to learn about how to run the thing without telling the States every little item that they could do or not do.

Mr. CONYERS. Let me yield now to Mr. Gekas.

Mr. GEKAS. Thank you, Mr. Chairman.

What I would like to do is briefly go through what LEAA and, specifically, the National Institute has been doing in the area of evaluation. Maybe we can get your feelings on the two or three programs and approaches that they have taken.

It is my understanding that the National Institute has two important evaluation programs. One of them is called the national evaluation program, and the other is called the model evaluation.

In the case of the second, model evaluation, I understand that they put out kind of on a competitive bid basis $2 million worth of money,

and they said, come in and tell us what you can do with the model evaluation strategy. Now there are 12 to 15 State agencies, both State planning agencies and regional money agencies, that submitted programs, some of them supposedly innovative. Funds have gone out to those agencies to come up with the model program. The point is that the National Institute has started to look at ways to get evaluation of structures in which the process is in place in the States.

Have you examined that particular program—let's take the model programs?

Mr. FOGEL. We are in the process now, in the followup review that we are doing, of looking at the entire effort, not only in the States, but also in the Institute.

One of the problems that we have had in doing this is that LEAA is in the process right now of possibly changing their evaluation strategy. They have had a task force that reported very recently to Mr. Velde on some changes in the way they are doing things, and we have not had an opportunity to take an indepth look at the new proposal. We will have that done by the time of the issuance of our report. I do not think we are in a position to say specifically now what is good or what is wrong with it, but I would say that they are on the right track in doing this type of thing, not only with that program, but also with the knowledge program they have where they are trying to select projects in the States and see what works. But the key question we have got is how can those efforts really interact and impact on the State decisions they are going to make to spend 85 percent of the program's dollars. Our review to date shows that all the requirements and guidelines that LEAA has published, saying the States have to do evaluations, do not really make much difference to the way the States operate their program.

The mere fact that the States we looked at were spending less than 1 percent of their money on evaluations raises a question whether the Institute ought to be doing more of this at their direction, not just with the $2 million.

Mr. GEKAS. Well, from what I understand, the question of evaluation, or, maybe I should say, the signs of evaluation is really a new one. It is not—there are not experienced evaluators out there who know how to go about looking at a criminal justice program and establishing the criteria, the measures by which it is evaluated, and saying to people this is how you go about it. People, I understand, do not know how to go about evaluating programs, and that is really the first step that the agency has taken with the model programs and with the national evaluation program. They are looking at the question from square one.

Mr. FOGEL. The question we raise is why has it taken them 8 years to get to the point where they are looking at it, and if they are just at that point now, where are they going to be 5 years from now with the present approach. I think there is credibility to what they are doing, but they might come back 5 years from now and say, well, now, we are to the point where people know how to evaluate, and, as Mr. Lowe pointed out, by then the program will have been going 13 years and the chances of any type of redirection become very difficult.

Mr. GEKAS. Well, it is true that the program has been in existence for 8 years, but the thrust of evaluation has really come since 1973 when the Congress wrote the word "evaluation" into the Crime Control Act. Right after that the agency established a task force on evaluation in early 1974 which made recommendations to them, and which were implemented. The recommendations included the model evaluation program, and the second one which I—I do not know if you meant to include in the study, the national evaluation program.

Briefly, what they have done there is they have selected program areas or topic areas, I guess is a better word—juvenile delinquency programs, I think some probation programs and others—but they have selected them across the board in different areas of the country. They have divided the evaluation program into two phases and they are in phase 1 now in which they are looking at the programs to see what we need to know about these programs and how should we go about evaluating them.

Are you into studying that program? Do you have views on it now?

Mr. FOGEL. We are studying it. Our views are very tentative at this time. I think we would say that that is certainly the right way to go. We are not exactly sure at this point in time whether in their phase 1 national evaluation program there are going to be a sufficient number of ongoing projects in the States that LEAA can effectively look at to answer the question of where are we in the state of the art with these various types of efforts so they can develop some conclusions about where these program areas are going.

Mr. GEKAS. But I think it is fair to say that since 1973, when the Congress wrote evaluation into the act, the agency is making a determined effort to look at evaluation as a science, and to look at evaluation in both the State programs and the programs that they have funded through discretionary——

Mr. FOGEL. No doubt. We agree with you completely on that. Our concern is to what extent are all these efforts they have underway impacting at all on decisions to fund projects, and to what extent are decisionmakers using this information to develop better strategies to reduce crime, and we think the jury is still out on whether these efforts have proved worthwhile from that standpoint.

Mr. GEKAS. Thank you, Mr. Chairman.

Mr. CONYERS. Gentlemen, just as a point of information, we have decided to hold these hearings this afternoon at 3 o'clock, so the committee will adjourn this morning and resume this afternoon. I would like to bring a series of questions to your attention, gentlemen, and I say that on the basis that we will probably need your considered opinions once again, maybe more, before these hearings are through, and I hope that, even though you have challenging schedules, you will be able to join us as we need you from time to time.

We deeply appreciate that.

Mr. LOWE. Sure.

Mr. CONYERS. Keep in mind the mayor of Highland Park as an illustration. I am not terribly satisfied with your response. I do not

know how long I could keep my head repeating what you repeated. You are in a more insulated position than we are in regard to this matter.

The next question I would like to put on the agenda—and I am going to yield to my colleague from South Carolina as soon as I can—is that, can we deal with this problem of street crime without dealing with the problem of nonstreet crime, including governmental crime?

Question 3, have we largely achieved the establishment of planning mechanisms within LEAA? I seriously question that.

Next question, have we effectively achieved a mechanism of distributing the money to State and localities in terms of their funding projects? That is very unclear to me, and I would like some further explanation with regard to the assertion that the legislature has never clearly stated that the goal of LEAA was to reduce crime. This comes as some surprise to me as one who has voted, at some times more reluctantly than other times, in support of this legislation.

I think you have described the answer to this question, but I want to review it again in a fresh context. If we are not any closer to knowing why the crime rate increases and what we should do to reduce , then what is it that we ought to be doing new and what ought we to be doing differently? Why is it that the efforts coming from the present program have not advanced our knowledge, nor have they reduced crime, and how can we induce more systematic planning into the LEAA operation? And then I would like to get some kind of scale model or to get a little bit more specific with regard to your suggestions that begin on page 20 in terms of getting more evaluation and more research. [GAO responses are at p. 48.]

I think that is extremely important, and with that, I shall make my final point, which deals with a comment made by my colleague from Illinois. It is an unfortunate comment, I think, about "The New York Times" statement about Rodino's alleged pressure on funds, and I will introduce and read into the record at this time a letter from the Administrator of LEAA sent to "The New York Times" editor and dated February 18.

Mr. Velde writes:

> Your article "Rodino Pressure on Funds Alleged," New York Times, February 17, is based on two misstatements of fact. Your reporter states, "officials of the Federal agency who attended a meeting last September contend that Representative Rodino threatened to cut off congressional appropriations to LEAA if it killed the Newark program. The program was subsequently extended to the end of this year at a cost of $400,000." First, none of the three officials who attended the September meeting ever made such a contention. Second, the program your article claims was continued under pressure by Representative Rodino has not, in fact, been extended. The request for the extension is still being reviewed. This could have been ascertained by your reporter prior to publication of the article, as could balance and comment from the three LEAA officials concerned.
>
> I note that Representative Rodino has denied having made his support of the entire LEAA program contingent upon continuation of the Newark program. It is unfortunate that the Congressman was placed in this position and such a contention was ever made.

Signed, the Administrator of LEAA, Richard W. Velde.

Mr. McCLORY. Will the Chairman yield?

Mr. CONYERS. Yes.

Mr. McCLORY. Well, I have, I certainly have no objection to the letter, and I would support that being part of the record, but I did not make any comment except to inquire. There was a prominent article in "The New York Times" yesterday, and I just inquired as to whether or not GAO had made any study of this, whether this project was one that they had studied or was part of an evaluation. I am not expressing that opinion on it at all. I am certainly not wishing to indicate any criticism of the Chairman or any conduct or anything like that at all. It was not implicit in my question. I was looking for information, perhaps, illumination with regard to this subject, clarification, and I think the letter from Mr. Velde adds clarification, which I am pleased to have.

Mr. CONYERS. Does GAO have any further information about this incident?

Mr. LOWE. No, other than what Mr. Fogel just mentioned here a minute ago. It is one of the programs that we have not yet evaluated.

Mr. FOGEL. But, as Mr. Stanton mentioned earlier, LEAA does have an evaluation underway of it, and I know that that is far enough along that I am sure they can comment on the adequacy of the overall effort when they come up before the subcommittee.

Mr. CONYERS. Thank you. I yield now to the gentleman from South Carolina, Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

I had to be at another subcommittee meeting. I am sorry that I was not here to hear your testimony, although I have it here and I will study it carefully.

I will state quickly, however, that during my first term in Congress, which was not so long ago, about 1969 or 1970, I wrote to LEAA and inquired as to their sharing of successful program information and detected from the answer that they were not doing much of that.

Three or 4 years later, following up on my inquiry, I got a more detailed report as to what they were doing. It must have been pursuant to the 1973 amendment, and I received that subsequent report. So, in glancing at your thoughts regarding recommendations, I must say that I am excited by the suggestion that we do concentrate on, as you say, the emphasis on expanded research and development and demonstration role which would include the development and sharing of program strategies, which has proven to be of merit and so forth.

The practice of having engaged in revenue sharing through furnishing hardware is hardly the role, I think, of the only agency in this country, the central Government, to do that job of research and evaluation, and the sharing of ideas leading to crime reduction and prevention, so I certainly, for one, will be looking forward to making the program more responsive to that idea.

Thank you, Mr. Chairman.

Mr. CONYERS. Gentlemen, on a goodbye, but not farewell, note, we will excuse you from these hearings and we will be planning your return very early. Thank you very much for your indeed helpful testimony.

Mr. LOWE. Thank you, Mr. Chairman. It has been our pleasure to work over the years with your subcommittee, and we are glad to assist in any way that we can.

Mr. CONYERS. We appreciate it.

[GAO responses to questions follow:]

Question. Have we largely achieved the establishment of planning mechanisms within LEAA?

Answer. As we said in our prepared statement, the mechanisms for comprehensive criminal justice planning have been established. However, the planning has not been comprehensive.

The general orientation and direction which criminal justice planning should take is planning for change. This has been the consistent thrust of LEAA's legislation. The contrasting approach to planning for system maintenance does not have much of the forward-looking quality characteristic of planning for change, and in that sense is not true planning.

Our review of LEAA's and four States' 1974 planning efforts has shown that basically the planning was not comprehensive.

An essential problem was that LEAA did not clearly define objectives, policy, standards, or priorities.

Evident throughout LEAA's existence has been an emphasis, at one time or another, on three basic goals: reduce crime; improve the criminal justice system; and upgrade the capabilities of State and local units of government to plan, implement, and evaluate criminal justice programs.

But LEAA did not define or prioritize those goals. The agency appears to have had difficulties in determing to what extent it should emphasize "crime-oriented planning" as opposed to "systems improvement" planning.

Compounding the problem was the frequent change in LEAA administrators. In fact it was not until fiscal year 1975 that LEAA adequately identified and described its general goals and program objectives. This was done in its management-by-objectives submission to the Justice Department in July 1974.

At that time LEAA stated that its goal was "In partnership with the States, to reduce crime and delinquency in America." Two subgoals were (1) "develop, test, and evaluate effective programs, projects, and techniques to reduce crime and delinquency" and (2) "build the capacity for comprehensive crime reduction planning, program development, and evaluation."

The ambiguities in goals resulted in shifts in planning emphasis by LEAA over relatively short time periods and lack of adequate guidance to the States. Moreover, we did not find any evidence to indicate that the goal statements that were developed were the result of interactions with the States or localities or that they were consulted so a consensus could be reached as to the program's goals. Similarly, LEAA had no explicit programs, other than issuance of planning guidelines, to advise States and localities of their goals and to persuade these elements to adopt them.

Progressive changes over time which bring States' planning orientations and processes closer to accomplishment of congressional and legislative goals are desirable, but the pattern of changes in LEAA's views about proper planning orientation has not had such an effect.

Consequently, the adequacy of planning in the States varied. We found two general patterns in State approaches to the planning requirements in the LEAA legislation. One pattern reflected a purpose to manage planning and to do the planning at the minimum level necessary to assure the flow of block grant funds to the States. The other pattern indicated reasonably conscientious efforts to manage planning and to do the planning consistent with the thrust and spirit of the legislation.

One of the basic reasons for the variation in the States was the influence of the State planning agencies (SPA) in the States.

For two of the States, we found that the SPA was not a central force in the criminal justice planning for the State, resulting in fractionated management of planning for the State. This further resulted in SPA activities directed primarily to the receipt and allocation of Federal funds, under the LEAA legislation, without the kind and quality of planning contemplated by the legislation.

The SPAs in two other States were substantially involved in State activities and provided effective management of planning for these States. As a result, planning in these two States was reasonably consistent with that contemplated by the Federal legislation.

Thus, planning can become more comprehensive, if the SPA is in a position to plan the allocation of the State's criminal justice resources.

Question. Have we effectively achieved a mechanism of distributing the monies to states and localities in terms of their funding projects?

Answer. The process of getting the money from the SPA to the local level is basically left up to each SPA. There are certain requirements—established by Federal legislation or LEAA regulations—that mandate the timeliness of processing some of the paperwork. For example, LEAA must approve or disapprove a State plan within 90 days after the date of submission. The State planning agency itself must approve or disapprove the applications it receives no later than 90 days after receipt.

However, approval of a project does not mean that the project receives its funds immediately. The grantee must indicate the acceptance of the grant and special conditions by retaining a copy of the award statement. This paperwork may be required before funds are processed. Funds can be awarded by check or by letter of credit arrangement. Most projects receiving a significant amount of LEAA funds receive their funds in increments. Some States reimburse the project for the expenses they have incurred. Other States advance funds to projects before obligations are incurred.

Question. I would like some further explanation with regard to the assertion that the legislature has never clearly stated that the goal of LEAA was to reduce crime.

Answer. As stated in the Crime Control Act of 1973, the overall goal of the Congress is stated to be: "To reduce and prevent crime and juvenile delinquency to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government."

There are two aspects of this goal, reducing crime and improving law enforcement and criminal justice, each of which should contribute to insuring greater safety of the people.

The specific goals or purposes of the legislation are to:

(1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice;

(2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and

(3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

The law does not state explicitly that the main goal of the program is to reduce crime, although it is specific about the purpose to "reduce and prevent crime," through improvements in the system. But the goals of the legislation are directed primarily toward development of State comprehensive plans and system improvement. Only in the last part of the third legislative goal, noted previously, is the purpose of reducing and preventing crime set forth.

As a result, LEAA's planning efforts have, except for one period in time, previously emphasized systems improvement and standards fulfillment, rather than crime-specific planning.

The law, however, does not preclude crime-specific planning. For example, sections 301(a) and 451 of the 1973 legislation address systems improvement. But a careful reading of section 301(b) indicates that crime-specific activities can be provided for in the planning. Target-hardening and crime prevention programs and projects, for example, can be developed under section 301(b)(1). Also the planning can deal with programs and projects for the people involved in crimes, both criminals and victims, the other major aspect of crime-specific planning. This is possible under several subparts of section 301(b), and even interpretable under the last phrase in section 451. Overall, however, the legislation gives more attention to system improvement (and, to a lesser extent, the standards emphasis).

The major considerations in planning are clear. System improvement and standards fulfillment planning are meaningful only on the assumption that the result of activities under such planning is a favorable impact on crime and criminals. Such planning focuses should be in conjunction with crime-specfic planning to assure activities to fight specific crimes and to deal with criminals-by-choice.

The problem is that there are contrasting views with respect to the basic purpose of the act and these views have influenced the way projects are developed. Further clarification by the Congress of the primary purpose of the act could rectify the problem.

Questions. If we are not any closer to knowing why the crime rate increases and what we should do to reduce it, then what is it we ought to be doing new and what ought we to be doing differently?

How can we induce more systematic planning into the LEAA operation?

Get more specific with regard to your suggestions in terms of getting more evaluation and more research.

Answer. All three questions are closely interrelated and can, we believe, best be answered in one response.

As we noted in our prepared testimony, we believe one way for the LEAA program to better address the crime problem is for there to be better planning and coordination of program efforts before initiating them. We believe more benefit could be realized from the expenditure of LEAA moneys if programs and projects were initiated as part of well-planned and designed strategies for reducing and preventing crime by gaining more knowledge into what works and what does not.

To initiate such an approach would require LEAA to take more of a leadership role in terms of: researching approaches to crime reduction to be tested; developing, with the States, program and project demonstration strategies; and evaluating the results. To accomplish this end, LEAA's authority would probably have to be strengthened so it is clearer to the States that, at least with regard to a certain amount of funds authorized by the program, LEAA would have more say as to the program framework within which funds could be spent at the State and local level. Thus, we suggested in our prepared remarks that the Congress might want to consider changing the mix of block and discretionary grants to allow LEAA to carry out and try the approach we have been discussing.

Once rigorously tested, through controlled research and evaluation of their relative effectiveness and efficiency in a variety of settings and conditions, specific action programs could be assimilated by States and localities on an ongoing basis with proven confidence of their crime reduction payoff and advance knowledge of their likely impact upon other programs and services. Moreover, as the body of knowledge about what works increases, the relative costs of planning and implementing such program efforts could be made less expensive in the long run. After several years, the block-discretionary mix could be changed again to allow more funds to go to the States in block form.

If such an effort were undertaken, we believe responsibility for it should be assigned to a high-level LEAA official, perhaps at the Deputy Administrator level. The role of LEAA in research and development would also have to be strengthened in terms of assuring that adequate funds are available—at the Federal, State, and local level—for planning and evaluating the efforts. We would anticipate that it would take from 3 to 5 years to adequately carry out such an approach.

Mr. CONYERS. Our second set of witnesses in today's panel are educators from the University of California who have devoted their careers to working in various parts of the criminal justice system. They will discuss their observations of the impact of LEAA on the crime and criminal justice system and the directions LEAA might take in the future.

These witnesses are: Dr. Herman Schwendinger, criminologist, currently lecturing at the University of California at Berkeley who has spent almost 20 years in criminology research; has been associated with the Ford Foundation and the National Institutes of Mental Health; been a fellow at the Center for the Study of Law in Society, and holds membership in numerous professional societies; is the editor of "Crime and Social Justice"; he serves on the advisory board of the Foundations of Criminal Justice.

With him is Dr. Paul Takagi, Ph. D. from Stanford University.

Will you gentlemen come forward?

Dr. Takagi has also done extensive work in criminology and sociology; has been a probation officer, so he brings some real fundamental experience to our discussion this morning; has a background in original research on narcotics addiction and its relationship to the crime problem; has been widely published and is an associate editor of "Crime and Social Justice"; a review editor of "The Journal on Research on Crime and Delinquency"; and has also been a member

of the advisory committee on the Institute of Judicial Administration of the American Bar Association.

Gentlemen, we welcome you this morning. We thank you for your preparation of the statement that has been submitted to the subcommittee in advance. Without objection, it will be incorporated into the record at this point, and that will free you for a more direct conversation with us today.

[The prepared statement of Messrs. Schwendinger and Takagi follows:]

STATEMENT OF HERMAN SCHWENDINGER AND PAUL TAKAGI

The presentation this morning will be organized into three interrelated parts. First, the scope of the crime problem; second, a specific analysis of crime in the United States which differs from conventional views; and third, some specific suggestions for managing the problem of crime which calls for new priorities in LEAA policies.

THE SCOPE OF THE CRIME PROBLEM

Some time ago the International Association of Chiefs of Police sponsored the Uniform Crime Reports system and selected seven felony offenses for index purposes on the grounds that the victims, or someone representing them, would more likely report such crimes to law enforcement agencies. The seven offense groups include: Homicide, robbery, aggravated assault, forcible rape, burglary, grand theft, and auto theft. These are the crime statistics regularly reported in the media. When these reported crimes are converted into rates per 100,000 population and comparisons are made across time, for example, 1968 to 1973, each of the index crimes, with the exception of auto theft, has increased anywhere from 25 to 50 percent. Reported crimes are the statistics used by the police, the FBI and other officials when they talk about the crime problem. But we all know that the victims of crime do not always report their victimization to law enforcement agencies.

In order to get at *unreported crimes*, the U.S. Department of Justice in 1973 conducted a crime victimization survey of 13 American cities, which included Oakland, San Diego, and San Francisco. The survey asked citizens whether they had been victimized by crime in the past year. When we compare the survey findings with the 1973 reported crimes for the three cities we find enormous differences between the two sets of data. For example, there were 2,879 reported robberies in Oakland; 1,422 in San Diego; and 4,823 in San Francisco. The victimization survey found two times as many robbery victims in Oakland, four times as many for San Diego, and three times as many for San Francisco. Let's look at another crime, rape. The 1973 reported rape victims totalled 220 Oakland, 173 for San Diego, and 540 for San Francisco. The survey findings showed that rape victimization was three times higher in Oakland, six times in San Diego, and three times in San Francisco. These differences are enormous and the differences become even greater in crimes such as theft and assault, where the definitions are less precise. These findings would also indicate that crime is much more widespread than is generally reported by official sources.

Yet another way of examining the crime problem is to ask people whether they have engaged in lawbreaking behavior within the past year and at what frequency. This method is used in self-reported delinquency studies. The studies show that all people of all races and from all socio-economic backgrounds systematically commit crimes. The studies also show that some racial/ethnic groups are not picked up by the police, and that people from privileged backgrounds are less likely to be adjudicated as delinquents or criminals.

Despite the fact that law breaking behavior occurs in all sectors of American society, the face of the penal population has changed dramatically since the end of World War II. In 1940, about 80 percent of California prisoners were white. In 1950, it went down to 65 percent; in 1970, 52 percent; and in 1975, around 50 percent. The changing face of the penal population would indicate that the prisons are becoming increasingly places for poor people and people of color. This trend is occurring despite findings that show law breaking behavior occurring among all races and among people from all socio-economic backgrounds.

The trend further reinforces the common belief that the criminal population is primarily composed of "street people" and members of social minorities. While

many ordinary violent crimes are indeed committed by these persons, the theft of property and earnings in the form of unfair labor practices, misrepresentation in advertising, artificial gasoline shortages, fraud, and the restraint of trade, cannot be attributed to these same people. The magnitude of white collar crime indicates that crime is not necessarily concentrated among the lower economic classes. An early study of law violations of 70 corporations indicates that if the criterion applied to official criminals were equitably applied to corporations, 90 percent of the large corporations studies would be considered habitual criminals. In 1967, the President's Commission on Crime found that corporate crimes far outweigh other types of property crimes such as theft, robbery, burglary and larceny, which are committed by ordinary criminals. The magnitude and seriousness of corporate crimes increase further when occupational health and safety are taken into consideration. Innumerable deaths and injuries occur every year with dreadful regularity because profits are more important to corporations than human lives.

A look at ordinary crimes, on the other hand, indicates that conventional forms of violence (such as murder, aggravated assault, armed robbery and forcible rape) and ordinary property offenses (such as theft, larceny, burglary and robbery) are concentrated among the urban poor and, in particular, among the marginal adolescents and young adults. The category of marginalization here refers to the marginal position of individuals in the labor force, to the phenomenon of unemployment and underemployment, to dead end jobs and job instability. Today the processes of marginalization are largely based first, on the inability of capital to provide jobs for the expanding work force and second, on the labor force segmentation that places millions of poor people, minorities and women into unstable, low wage employment. Finally, we have the processes of marginalization within the family and the school, that are important for understanding the population of working class and middle class youngsters, who engage in the most serious forms of delinquent behavior.

At another level, the events surrounding Watergate and the more recent congressional investigations of the FBI and the CIA have revealed gross misconduct among government officials. These are crimes by the state; assaulting the fundamental freedoms of speech, association, press and religion, as well as the constitutional right to privacy of countless numbers of individuals. And Watergate is only the tip of an iceberg. Watergate would have never taken place if political repression had not been conducted by the government for decades. Political dissenters in the United States have been the objects of repression throughout this century; they have been harassed, fired from their jobs, and a few, such as the Rosenbergs and Fred Hampton, may have even been assassinated legally. Just recently, a report issued by a Chicago grand jury indicates that despite recent exposures of crimes by intelligence agencies, these crimes continue to be perpetrated against dissenters. The report points to illegal practices by the police department intelligence unit, and to unlawful resistance by this unit to orders and subpoenas which were issued at the request of the grand jury. The report also noted the unlawful destruction of evidence.

If we compare corporate crimes and crimes by the state to ordinary crimes, we discover first that LEAA places virtually no priority on corporate crimes or on crimes by the state. Perhaps there are social policy studies to extend legislation which will include penal sanctions against corporations committing consumer crimes. However, legislation of this kind has, to date, only regulated the form and the occasions upon which corporate crimes occur. It has not prevented it. A case in point is the unprecedented wave of corporate mergers that occured after the Sherman Anti-Trust Act had been clarified by judicial 1 decisions. Today, the concentration of corporate wealth, the restraints placed upon trade, and the volume of corporate crimes is greater than ever before. Recent reports of massive fraud by grain corporations and the systematic bribery by aircraft and other corporations, are indicators of the magnitude of crime in this area.

On the other hand, LEAA programs do exist for the prevention of ordinary crimes. But we will presently note that virtually all of these are *traditional* programs. They focus primarily on police deterrence as a strategy of crime prevention, but do not integrate the efforts of the police with the efforts of the popular movements that are interested in eliminating the social causes of crime. They focus on the rehabilitation of the individual offender, but do not guarantee the offender's basic rights to shelter, food, clothing, medical care and non-alienating employment.

On the whole, despite the unprecedented funding, the traditional approaches to rehabilitation and to law enforcement have not demonstrated their effectiveness for crime prevention. Let us look at various studies that confirm this conclusion. Focusing on juvenile delinquency programs where the research designs make objective evaluations possible, we find that long-term strategies which begin with early delinquents have been noticeable failures. A recent review considering approximately 100 delinquency prevention programs, that have appeared in the literature since 1965, has concluded that no prevention method has been demonstrated to be consistently effective. No doubt one can find an exceptional instance here or there that indicates some success with delinquency prevention, but the weight of the historical evidence is unequivocal. If we confine ourselves to traditional methods, namely the concentration on counseling and other conventional services to individual offenders, then a successful instance of these methods will hardly be found. If it is found, then it will not be replicated elsewhere and hence it cannot be used as a general model for a delinquency prevention strategy.

The limitations of traditional methods also show up in relation to the prevention of ordinary crimes among adults. Perhaps the single most important prevention method that has been favored by LEAA is police deterrence programs. These programs include bizarre attempts to hire public relations firms and media time to advertise the necessity for securing doors against burglaries. They also include the high impact crime prevention programs that were conducted by LEAA in eight cities. When these programs are finally evaluated, it is our belief that they will be used as classical examples of the failure of LEAA to reduce crime by concentrating massive funding on law enforcement agencies. (JS, Feb. 1976, 32–33.)

We do not have to scrutinize the faddish and politically expedient high impact prevention programs to find that federal funding of police has virtually no relation to the prevention of crime. Most studies indicate that crime rates are not influenced by per capita levels of police spending and manpower increases in standard metropolitan statistical areas. A very recent study, for instance, using clearance rates based on the proportion of reported crimes cleared by arrest, found for 66 metropolitan areas that there is no support for the hypothesis that increased police spending leads to a decrease in crime. In our opinion, this scientific research—not politically biased opinions—contradicts the fundamental priorities in funding that have characterized LEAA from the very beginning.

Even more alarming, however, are the potential long-term effects of the main priority in LEAA funding. From 40 percent to 50 percent of this funding has been devoted to law enforcement hardware, organizational and manpower needs. This money, so far, has not been used to purchase nuclear weapons and long-range bombers, but it has supplied police forces with other sophisticated technologies, such as helicopters, computers, electronic communication equipment, armored cars, tear gas grenades, and paramilitary special weapons units. The degree of overkill, which has become an object of mockery in such films as "Dog Day Afternoon", is only one indicator of the bureaucratic irrationality that governs the implementation of basic LEAA funding priorities. Particularly unjustified is the extent to which this whole development will contribute to a spiraling cycle of violence. In a study of gangs in major metropolitan areas, Walter Miller has found that delinquent youths are now beginning to obtain police revolvers, shotguns, home-made bazookas and molotov cocktails, instead of chains, pipes, knives and zip guns of the 1950s and 1960s.

While the direction of additional police expenditures does not prevent crime, it does pose a serious potential for the development of incipient fascist conditions and hence a police state. Simultaneously, this funding is accelerating the development of a police-industrial complex, a new vested interest that will push hard for the very conditions that must be avoided if any semblance of democracy is to be preserved in the U.S.A.

NEW PRIORITIES

We support many specific programs for reducing crime that have been proposed by various government agencies—for example, better street lighting, escort services for the elderly, shuttle buses in high crime areas, decriminalization of status offenses, and programs that implement prisoners' rights to medical care, education, jobs, social services, etc. We differ from conventional views, however, in two important respects. First, we call for the extension of LEAA's concept of citizen participation to include the transfer of power at every level of government, of the crime control apparatus from the state bureaucracies to legislative bodies,

that operate in conjunction with coalitions of criminal justice personnel and organizations in the community. These coalitions should be the basis for the formation of popular councils that represent grassroots organizations as well as criminal justice workers. The popular councils should be equipped with adequate funds and researchers, whose evaluation and planning are accountable to the councils and not to the criminal justice agencies. Initiating and monitoring the social policies that are being implemented by LEAA funding, the councils will stimulate the legislative processes that prevent the executive branches of government from going beyond any popular control. To forestall uncontrollable executive actions, it is further proposed that the Congress conduct a year by year evaluation of federal funding, until the popular councils have been able to alter the operative policies of LEAA.

As long as criminal justice apparatuses are solely controlled by other state agencies, we expect little in the way of crime control because of the reliance on "professionals" who are guided by conventional views, political expediency and pressures, or by the kinds of research not accountable to the very people in the communities victimized by crime. This lesson is reaffirmed, for example, by the contrasting experiences of Puerto Rican, Chicano and Black organizations against the illegal drug trafficking in their communities and by women's organizations against rape. In both these cases, the possibility of a solution to the crime problem was created only when indigenous organizations tackled a problem that had for so long been either ignored or aggravated by the state apparatus.

Second, we differ from the conventional approach to "law and order" in that we link the immediate struggle against crime with the political and economic system of this society which produces corporate crimes and what we referred to earlier as the marginalization of youth and people of color. In other words, "crime" is not a problem that can be fully solved within the existing framework of this society. On the other hand, substantial inroads can be made by new policies.

We think it is crucial for crime control programs to be linked with an analysis of the political economy. To do less than this is to continue the same kinds of efforts and to give the people of this country the illusion that crime can be prevented or controlled by piecemeal yet costly efforts. This does not mean that we should desist from making demands of the government, and more specifically of the LEAA. These demands should include for example, the abolition of "red" squads that exist to repress political dissidents and political minorities; the enforcement of laws against police brutality and organized crime. We should call for full employment, for the enforcement of health and housing codes, for the implementation of occupational safety codes, for the control of usury practices, for guarantees of the democratic rights of political groups to exist and organize, and for prisoners' unions; hence, for a reordering of LEAA's priorities so that funds for police hardware are used instead for group and organizations in the communities desperately fighting against criminal victimization.

In summary, the primary function of the Law Enforcement Assistance Administration is to stop and reverse the rising rates of crime in the United States. This priority should concentrate not only on street crimes, but on organized crime, white collar crime, consumer crime, corporate crime, political corruption, crimes against political dissenters, crimes against women and racial minorities as well as all the other varieties of crime that affect the health, welfare and property of millions of wage earners, small property owners and dependents in our society. Aside from their numerical preponderance, the members of these popular classes are the main targets of crime and are hardly able to protect themselves against criminals. In addition they have scant resources to recoup themselves after criminal victimization.

TESTIMONY OF HERMAN SCHWENDINGER, PROFESSOR, SCHOOL OF CRIMINOLOGY, UNIVERSITY OF CALIFORNIA, BERKELEY, AND PAUL TAKAGI, PROFESSOR, SCHOOL OF CRIMINOLOGY, UNIVERSITY OF CALIFORNIA

Mr. TAKAGI. Thank you.

We have prepared a joint statement and I would like to take off on the first part and my colleague, Professor Schwendinger, will pick up on the second part.

The presentation is organized into three interrelated parts. First, I think it is necessary to talk about the scope of the crime problem. When we talk about crime I think it is necessary to include, within our discussion, all aspects of what we refer to as crime. Second, we will talk about a specific analysis of crime in the United States, which differs from conventional views, views that pretty much govern the kinds of programs that have been funded by LEAA.

And finally, we have some specific suggestions for managing the problem of crime which call for new priorities in LEAA policies.

So, to begin, I would like to talk about the scope of the crime problem. Some time ago the International Association of Chiefs of Police sponsored the uniform crime reports system and selected seven felony offenses for index purposes on the grounds that the victims, or someone representing them, would more likely report such crimes to law enforcement agencies.

The seven crimes include homicide, robbery, aggravated assault, forcible rape, burglary, grand theft, and auto theft. These are the crime statistics regularly reported in the media. When these reported crimes are converted into rates per 100,000 population and comparisons are made across time, for example, 1968 to 1973—and these years were selected because they sort of correspond with the advent of LEAA funding—each of the index crimes, with the exception of auto theft, has increased anywhere from 25 to 50 percent.

These reported crimes are the statistics used by the police, the FBI, and other officials when they talk about the crime problem. But we all know that the victims of crime do not always report their victimization to law enforcement agencies.

In order to get at unreported crimes, an LEAA funded project in 1973 conducted a crime victimization survey of 13 American cities, which included Oakland, San Diego, and San Francisco. The survey asked citizens whether they had been victimized by crime in the past year.

So, when we compare the survey findings with the 1973 reported crimes for the three cities, we find enormous differences between the two sets of data. For example, there were 2,879 reported robberies in Oakland; 1,422 in San Diego; and 4,823 in San Francisco. The victimization survey found two times as many robbery victims in Oakland, four times as many for San Diego, and three times as many for San Francisco. The survey findings, on the other hand, showed that rape victimization was three times higher in Oakland, six times in San Diego, and three times in San Francisco.

These differences are enormous and the differences become even greater in crimes such as theft and assault, where the definitions are less precise. These findings would also indicate that crime is much more widespread than is generally reported by official sources.

Yet another way of examining the crime problem is to ask people whether they have engaged in lawbreaking behavior within the past year and at what frequency. This method is used in self-reported delinquency studies. The studies show that people of all races and from all socioeconomic backgrounds systematically commit crimes.

Mr. CONYERS. Is that all people or some people?

Mr. TAKAGI. I am sorry.

It showed that people of all races and from all socioeconomic backgrounds, regardless of their socioeconomic status.

The studies also show that some racial-ethnic groups are not picked up by the police, and that people from privileged backgrounds are less likely to be adjudicated as delinquents or criminals.

Now, despite the fact that lawbreaking behavior occurs in all sectors of American society, the face of the penal population has changed dramatically since the end of World War II. For example, in 1940, about 80 percent of California prisoners were white. In 1950 it went down to 65 percent; in 1970, 52 percent; and in 1975, around 50 percent.

The changing face of the penal population would indicate that the prisons are becoming increasingly places for poor people and people of color. This trend is occurring despite findings that show lawbreaking behavior occurring among all races and among people from all socioeconomic backgrounds.

The trend further reinforces the common belief that the criminal population is primarily composed of street people and members of social minorities. While many ordinary violent crimes are indeed committed by these persons, the theft of property and earnings in the form of unfair labor practices, misrepresentation in advertising, artificial gasoline shortages, fraud, and the restraint of trade, cannot be attributed to these same people. The magnitude of white collar crime indicates that crime is not necessarily concentrated among the lower economic classes.

Mr. CONYERS. Could I interrupt at that moment to raise this point?

You may want to develop it later, but are those kinds of crimes that you point out, that are not committed by the masses of people, could they, in your view, have any impact on the crimes that are committed by the masses of people? Is there some relationship?

Mr. TAKAGI. You want us to respond to that later?

Mr. CONYERS. Now or later.

Mr. TAKAGI. We will respond later.

An early study of law violations of 70 corporations indicates that if the criterion applied to official criminals were equitably applied t corporations, 90 percent of the large corporations studied would be considered habitual criminals, and habitual criminals, is defined as four felony convictions. This varies from State to State, but that is true for California.

In 1967, the President's Commission on Crime found that corporate crimes far outweigh other types of property crimes such as theft, robbery, burglary and larceny, which are committed by the so-called ordinary criminals. The magnitude and seriousness of corporate crimes increase further when occupational health and safety are taken into consideration. Innumerable deaths and injuries occur every year with dreadful regularity because profits are more important to corporations than human lives.

A look at ordinary crimes, on the other hand, indicates that conventional forms of violence, such as murder, aggravated assault, armed robbery and forcible rape, and ordinary property offenses, such as theft, larceny, burglary and robbery, are concentrated among the urban poor and, in particular, among the marginal adolescents and young adults. The category of marginalization here refers to the

marginal position of individuals in the labor force, to the phenomenon of unemployment and underemployment, to dead end jobs and job instability. Today the processes of marginalization are largely based first, on the inability of capital to provide jobs for the expanding work force and second, on the labor force segmentation that places millions of poor people, minorities and women into unstable, low-wage employment.

Finally, we have the processes of marginalization within the family and the school, that are important for understanding the population of working class and middle class youngsters, who engage in the most serious forms of delinquent behavior.

Mr. CONYERS. Well now, another question: How does this relate to the Law Enforcement Assistance Administration? Now that is what this hearing is about.

Mr. TAKAGI. Can we refer to that later?

Mr. CONYERS. OK.

Mr. TAKAGI. At another level, the events surrounding Watergate and the more recent congressional investigations of the FBI and the CIA have revealed gross misconduct among Government officials. These are crimes by the state; assaulting the fundamental freedoms of speech, association, press, and religion, as well as the constitutional right to privacy of countless numbers of individuals. And Watergate is only the tip of the iceberg. Watergate would have never taken place if political repression had not been conducted by the Government for decades.

Political dissenters in the United States have been the objects of respression throughout this century, they have been harassed, fired from their jobs, and a few, such as the Rosenbergs and Fred Hampton in Chicago, may have even been assassinated legally.

Just recently, a report issued by a Chicago grand jury indicates that despite recent exposures of crimes by intelligence agencies, these crimes continue to be perpetrated against dissenters. The report points to illegal practices by the police department intelligence unit, and to unlawful resistance by this unit to orders and subpenas which were issued at the request of the grand jury. The report also noted the unlawful destruction of evidence.

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Today, the concentration of corporate wealth, the restraints placed upon trade, and the volume of corporate crimes is greater than ever before.

Mr. CONYERS. Forgive me, another—a final, I think, interruption.

If you are going to read this whole statement, we are never going to get out of this alive. We will have no time for questions and we will have then precluded an important part of your function here as witnesses. Can you summarize?

Mr. TAKAGI. All right, let me read one final thing here.

Mr. CONYERS. It is more important that we talk with you than that you read the statement.

Mr. MCCLORY. If the gentleman would yield?

Why do they not tell us what kind of a system they are trying to advance here?

Mr. CONYERS. Well, that is in the questioning.

Mr. SCHWENDINGER. We have that in the final section, but I will quickly summarize the remaining part.

Actually Paul was just about to turn the statement over to me. The rest of the report includes, as you undoubtedly know, a quick look at the evaluations that have been made, both of law enforcement programs, which involve increased police expenditures, as well as evaluations made of the traditional rehabilitation programs aimed at delinquents. In both cases we indicate that these evaluations have generally pointed to the fact that the programs have not been successful in reducing crime.

While it is the case that you can find a contradictory study here and there, the fact is that the most methodologically sophisticated evaluations, and the weight of the evaluations, indicate that the traditional delinquency programs and increased public expenditures in law enforcement, fail to decrease crime. We particularly point to the very latest study of 66 standard metropolitan statistical areas which has indicated no relationship between the increased public expenditures in law enforcement and the prevention of crime.

Our report then moves right to the question of the consequences of the priorities of LEAA. It points to the priorities, which aim at expending anywhere between 40 and 50 percent of LEAA funds for police hardware and technology. Attempts to solve the problem of crime in that direction have a number of consequences that people ought to consider very seriously. These consequences, for example, include the spiralling possibility of violence; the fact that both the criminal population and others in the society, for that matter, are affected by the degree to which the police are beefed up in terms of their technology, their hardware and so forth. We point out, furthermore, that a film like "Dog Day Afternoon" signifies the degree to which the overkill existing among the police is being mocked in at least sections of our society.

Mr. CONYERS. Of course, that is a movie.

Mr. SCHWENDINGER. I understand that. But the movie begins with the title saying that the events it portrays are true.

Mr. CONYERS. Well, that is an allegation of the producer. You have got some more real examples than some Hollywood product, I presume.

Mr. SCHWENDINGER. My example in this particular case had to do with the degree to which peoples' observations of SWAT teams, helicopters, armored cars, and what have you, have been satirized. I could give you another example of a critical review in the very recent issue of Juris Doctor, an American Bar Association journal. The issue that came out this month has a critical article concerning the very same kind of LEAA funding priority.

I can give the subcommittee that journal. I have it with me.

Let us now turn very briefly to the other side of this issue, which has to do with the development of a vested interest in increasing

government expenditures. The large expenditures, particularly for technology, are creating a push for even greater expenditures, because as you develop corporations that are interested in selling police hardware, et cetera, you also develop additional pressure that begins to be imposed upon the Government for further funding of this sort.

Our report indicates that there has to be a change in the direction of LEAA. We have suggested that rather than funneling the money in the same way, through the same research institutes, through the same executive branches, for example, and through the same planning agencies, that this funding process take into consideration the establishment of some sort of citizens councils, popular councils, that can exist at every level of Government; that can advise the legislatures; that have their own research arms; and that have some money to carry on their work.

The idea here is that political processes in our country should involve citizens councils that are actively observing and scrutinizing and monitoring LEAA funding. I think that by this means we will find a far more effective way to eliminate the problems of duplication of LEAA funding, and reduce the difficulties in establishing legitimate priorities.

In our last comment we suggest that Congress continue oversight; but it should not engage in a single evaluation every 3 years or every 5 years, but that at most 1 year from now there should begin the continuous evaluation of LEAA's policies. That is the essence of the report.

Mr. CONYERS. Thank you.

Mr. McClory?

Mr. MCCLORY. Well, I did not get any—I do not think I got really your recommendation. Now I would judge that you are against the current economic system which involves corporate management and corporate operations that are involved in the current economic system. Are you?

Mr. TAKAGI. Yes. A couple of years ago—well, I think there ought to be an illustration of that as to why.

Mr. MCCLORY. Now with respect to these peoples' councils that you have at all levels, you would have to have those publicly financed, would you not? Is that not what you want?

Will the gentleman on the left there——

Mr. SCHWENDINGER. Yes, there would have to be some funding in regard to the research, obviously.

Mr. MCCLORY. At every level of government, the National, State, and the local level, they would exercise oversight over the elected public officials, would they not, on a current basis?

Mr. SCHWENDINGER. That is right. They would engage in that kind of oversight, but in regard to financing, I think there is some sort of a——

Mr. CONYERS. If my colleague would yield?

He is not against that.

Mr. MCCLORY. Well, we have got peoples' oversight all the time on everything we do. But if we are going to finance it with public funds, in addition, why it seems to me we are developing a new system. As a matter of fact, the whole impact of your testimony is that we have to eliminate the current system and establish a new system, economic system and a political system.

Mr. SCHWENDINGER. Now hold on.

I think that to some extent—would you like me to answer that? I would be glad to.

Mr. MCCLORY. Well I will just say this: That if you develop a system of a populist or a popular or peoples' oversight, financed with public funds, with respect to all the elected and local, State and National officials, you have got a different system of government than the one that we have now in which we vest this in nonpublic supported individual voters.

Mr. SCHWENDINGER. Well, it sounds like—I think you are putting words in my mouth, to some extent.

There is a system of representatives and the Congressmen and Senators that exist in our country, and State legislators, who are all paid by the Government on the basis of taxes. And of course, these representatives are democratically elected.

Now, whether or not the members of these councils should be paid for their services by the Government, I think, is a question that can be left open. That is something that can be looked into. Perhaps it will be found that not having these members paid for their services will have a lot of merit.

Mr. MCCLORY. Well, they should have legal status. You have to provide for them by law.

Mr. SCHWENDINGER. Well, now that is a good question too. At this point I would say this; while you would finance, let us say, the research arm and you would indeed have some sort of a cooperation expected and perhaps even mandated, to establish a proper relation between the research apparatus and the criminal justice system. Furthermore, there is nothing questionable about making sure that these councils have input into the State legislatures. The legal status, in this sense, would be advisory, at least at the beginning until we see how it works.

Mr. MCCLORY. So would you—your reform or your revolution of the current economic and political system is still in the formative stages.

Mr. SCHWENDINGER. I have not talked about revolution. I have not talked about formative stages.

Mr. MCCLORY. Well, I am talking about a peaceful revolution.

Mr. SCHWENDINGER. Well, if you were to ask me whether or not I feel that there should be a broadening of democratic processes, or that there should be concern about unemployment and its relation to crime, whether people who, in fact, are out of jobs should be able to contribute their opinions through councils—well, I would agree.

Mr. MCCLORY. Everybody should be guaranteed a job by the Federal Government, should they not, under your proposal?

Mr. SCHWENDINGER. Everybody should be guaranteed a job.

Mr. MCCLORY. Through public funds?

Well, if they do not find private employment, well then we provide them——

Mr. SCHWENDINGER. I would agree to using public funds. Yes, I think their right to a job is rather fundamental; a right to medical care and so forth.

Mr. MCCLORY. OK. I yield back the rest of my time.

Mr. CONYERS. If I just might follow through on a couple of points here, the mention of populist activity is mentioned and, of course,

that raises, perhaps, in defense of the only populist candidate for president, Fred Harris. I am not sure if he would subscribe to any of these propositions or not. I wanted to make that distinction with my colleague from Illinois and then with regard to the right to a job there is a bill, H.R. 50, that does not guarantee a job but guarantees the right of a job to everybody that wants one in the United States.

There are 111 cosponsors of that bill in the House of Representatives and about 10 in the U.S. Senate.

Now, gentlemen, let us get down to business here. What ought we do with the $1 billion LEAA program that expires on June 30, 1976?

Mr. TAKAGI. The LEAA presently has the concept of citizen participation, and in another bill, the one that you are interested in, also talks about the importance of having citizen participation in the fight against crime. We support that idea, but I think it needs to be extended to this degree, that criminal justice personnel work along with citizens within the community, particularly those indigenous organizations, members of which are primarily victimized by crime, and in this sense this kind of program where people within the community come up with the ideas to fight narcotics, to fight organized crime, to fight, for example, mugging within a neighborhood. But this is the idea that we are trying to get across here, that that is the kind of program that needs to be supported.

There is some evidence to indicate that where people become organized and begin to address themselves to specific kinds of problems within their community, like the crime problem, that these kinds of projects have demonstrated the most successful efforts to date.

As both of us are professors on the university campus, and I, for one, would make a strong statement that there is nothing, absolutely nothing, on the university campus whereby we can—and I include psychiatry here, psychology, social work, criminology, sociology, political science—where we can come up with ideas with respect to solution of the crime problems. We just do not have that.

Mr. CONYERS. Why not? You get millions of dollars, Federal dollars, every year, and you are supposed to be our best and brightest. If we do not get it from you, what do you think we are supposed to do here in Washington?

Mr. TAKAGI. Well, like I say, the ideas that we are presenting here, it comes from our understanding of the kinds of things that have taken place in the community. The programs that community people decided upon did not come from the university. It emerged within the community.

Mr. CONYERS. So, what is coming from the universities?

Mr. TAKAGI. Well, precisely, the kinds of things that the earlier testimony this morning suggested, you know.

Mr. CONYERS. Well, I have absolutely no indication of that. Maybe my staff does, but I certainly do not.

We are delighted that you are here, but I do not have any wealth of bright ideas coming from any of the universities about how to deal with the crime problem.

Mr. SCHWENDINGER. Yes; I think a Representative from Illinois indicated there is a lack of innovative ideas. He pointed out the lack of these ideas at one of the sessions that he was at. I think we have to see the reciprocal relation between the policies that LEAA establishes.

and the direction that research develops within the academy. Over time the academy becomes an infrastructure that in turn supports the funding organizations and their policies.

Thus, there is a vicious cycle where one organization calls for conventional programs, and the other organization begins to respond by only producing these programs, because of the availability of funds.

I think in this particular area, one has to, in a sense, try to redirect the priorities. Then you will quickly produce a redirection of research activities. Finally, I do not think that Dr. Takagi's comments here refers to all the people in the academy, but certainly most. I mean, there is a small number that would rather see things move in more productive directions and do other kinds of research.

Mr. CONYERS. Thank you. Mr. Mann.

Mr. MANN. Well, of course, your thought on citizens participation, that drum is being beaten all the time. You are trying to institutionalize it a little more, I gather, by requiring, let us just get right down to it, as a condition of funding at various governmental levels.

You would also recommend, I gather, that communities, that is, nonpolitical communities, such as ethnic communities, subdivisions, or whatnot, also have citizens councils, or wherever an area was identified that had community interest, college campuses, the rape escort services, that sort of thing, you would promote that, I gather.

In addition to that, you would eliminate social injustice which is——

Mr. CONYERS. If you would yield, I will buy that.

Mr. MANN. Well, you are buying it, you know because, we are spending $1 billion for that. Right now, we are not spending $1 billion, we are spending $50 billion I think each year in one way or another, and that is good, but the results are somewhat obscure. The American economic system, of course, promotes the differences about which we talked.

I have another subcommittee that is working on compensation for victims of crime. What are your offhand thoughts on that situation?

Mr. TAKAGI. Yes; we most certainly support that. I think various States have on the statute book, have appropriated funds for compensation of victims of crime, but virtually all the funds appropriated get wiped out, and that has been the experience in New York and some other States. I think LEAA certainly ought to consider such measures.

Mr. SCHWENDINGER. Yes; I would like to add to that. I think an examination of the kinds of victims of street crime, and many other types of crime, indicates that they are concentrated again among the poor people and people of color.

I just recently saw a study of the elderly that examined victimization in three different types of communities, a very wealthy community, a middle class community, and a very poor community. It was clear that the massive amounts of victimization occur among the people in the poor community, and it is precisely the poor people who have the least ability to recoup from criminal victimization. Because of this we support victim compensation.

Mr. MANN. All right, and in the general area of social injustice—I will use that phrase, again, with which Mr. Conyers and I both join in opposition of that situation. We note that the efforts of this country to this point has been directed, primarily in the economic and constitutional direction—and I do not really know how else to

approach it—but, setting that aside for a moment, because, frankly, because of the rise of governmental efforts to combat just precisely that, even on social injustice, we are making a few hundred thousand criminals just about every time we pass a bill.

Now, let us therefore look for a moment at the more simplistic problem of violent crime. The roots of crime we can talk about for weeks. We could even agree that social injustice is the root cause. How far back in one's life, how far back in one's environment, or in one's heredity we can talk about, but getting directly to the problem of the control of street crime, that is foremost in the minds of people as they are disenchanted with the current law enforcement efforts, which is the cause of the development of the police state of which you speak in a modified manner. What are we going to do immediately concerning street crime?

Mr. TAKAGI. I do not think there is much we can do about it, because we have such things as ghettoization. We have to understand the cumulative effects of being poor in this country. Based upon my early experience as a probation officer and parole officer, black communities when I got started were not violent places in the 1950's. But within a few years, "the drug plague," as Claude Brown described it in "Manchild in the Promised Land," swept the minority communities, and all of a sudden there was a qualitative change in these communities, and when we talk about 70 percent of these kids not finishing high school, dropping out; and when we talk about the systematic underemployment and unemployment that occurs within these communities, we are talking about the total destruction of social relations and, more importantly, about the nature of social consciousness that exists within the community.

I think that we do go along and support your earlier statements about street lighting. We support escort services for the elderly. We support the idea of shuttle buses, and both of us, for example, contrary to some other opinions that have been expressed, believe that prisons are necessary. Police are necessary. Some people have to be locked up. We go along with that, but in the process I think now we have to think of an alternative kind of rehabilitation program, not in terms of the traditional kinds of psychiatric and psychological kinds of services, but some alternative kind. In addition, I still agree, I still think that certain important kinds of services funded by LEAA should continue, to provide jobs whenever they can, to provide medical and health assistance when they come out on parole or on probation, and so on and so forth.

Mr. SCHWENDINGER. I would say, too, that the notion of citizens' participation touches on this issue, too, because if you, indeed, have input from people in these communities, you will for the first time, perhaps, begin to orient policies around the kinds of measures that will make inroads into crime. Now, there are a number of levels at which this can occur——

Mr. MANN. Let me interrupt you for a moment. Let me ask you a big question. There are, of course, many groups and much thought has been given to the total restructuring of our economic and social system. Our American economic and social system is based upon a system of unequal rewards. Now that produces the kinds of resentments and the kinds of problems, whether they happen to correlate

with the color or neighborhood or what. They are going to reoccur even if we eliminate them in some arbitrary fashion, so what restructuring or ordering of our social and economic system do you envision?

Mr. SCHWENDINGER. I personally conceive a society where there is economic planning, where people share in the fruits of their labor; but I am not so sure whether such a system will arise in the United States tomorrow, or, for that matter, the day after. I do think the issue right now is not what will be the structure of that future America, but, rather, how to combat crime and how to release the moral and popular energies of the people toward this end.

Now, in part, aspects of that future system may be dealt with. For example, the question of full employment, of medical care, of trying to combat corporate crimes and all the things that lead to enormous cynicism——

Mr. MANN. Again, you are treating the symptoms, but you have said in the main thrust of your statement, that our socioeconomic system, which is—I have said it if you have not—that is the way I interpret the thrust of your statement, that the socioeconomic system that we have is going to continue to result in crime.

Now, if it is, then this exercise of fighting crime is a futile exercise.

Mr. SCHWENDINGER. Well, first of all, the social economic system we have is a very mixed system. There are State, monopoly, and competitive sectors of our society. The dynamics of crime varies depending upon what particular sector you are talking about as well as what part of the community you are talking about. Thus, while it is true that there are many types of crimes that are created by the system, it is not the case that the system only generates its own reproductive characteristics, including crime.

It also produces the changes that are occurring within this society, the kind of disaffection with some of the underlying relations that you are talking about, the demands for greater rights on the part of people, and the kind of groups that make these demands.

Now, I am not talking about symptoms when I speak of greater popular participation in the way in which the Government is run, and the solution to the problems that we have. I think this participation is rather key here.

I could go into the question of street crimes and indicate it is precisely in those communities, for example, where there has been very active Government involvement in reducing the degree of popular participation in changing peoples' lives. These are the communities where now the greatest cynicism exists; where the greatest development of markets in illegal goods and services exists; where many people recognize that money and power determines everything and have forgetten what moral rules are like.

Mr. MANN. Thank you, sir.

Mr. CONYERS. Might I ask you gentlemen to prepare for the edification of this subcommittee a selected bibliography?

Mr. SCHWENDINGER. We could very well do that.

Mr. CONYERS. I yield to the counsel.

Mr. GEKAS. A couple of questions. Section 203 of the Crime Control Act of 1973 does provide for participation of citizen professional community organization, and I think throughout the country, in the State planning agencies, in the regional planning units, there are representatives of, there are citizens who are involved in the planning

process for the use, specifically, of LEAA funds. So that fact, of course, is consistent with what you have been advocating here today.

A second point, I think that has to be made, relates to the National Institute, the kind of innovative programs that have been developed over the past several years—for example, street lighting.

The National Institute, which is the research institute of the Agency, has undertaken some studies on street lighting to look at the effect of it; how it should be done; and the development of the best carbon arc light and that kind of thing.

Another very good example that has more of a human impact, I think, is environmental design. One of the very successful and very prominent projects at the Institute—that has been funded—has been the looking, the examination, of just what is it about the design of buildings that makes some buildings subject to very high violent crime rates and others not so violent. And you ought to get hold of those studies because they are very sensitive in their conclusions as to how an environment and an atmosphere encourages or discourages crime in a particular building—not highrise, low-level three-story, not long narrow halls with just a few doors on each one, broader areas, shrubbery around the outside; you know, those kinds of almost esthetic things. Those have been parts of studies funded by the Law Enforcement Administration. You ought to take a closer look at that.

Mr. SCHWENDINGER. Would you like us to comment on that?

Mr. GEKAS. Somehow that was meant to be a question.

Mr. TAKAGI. The problem with the first observation, I do not know how it is around the rest of the country, but at least in California that appears in the form of county criminal justice planning boards and typically the members of the boards are appointed by either the mayors of the city or the chiefs of police who play a very critical role in the selection of the individuals, and, unfortunately, they result in the selection of a certain strata. The people who are most likely to be picked on such boards are not the people who are likely to be victimized by crime.

Mr. GEKAS. Well, I think a valid point that this subcommittee can look at, is the extent of citizen participation, which has been mandated since the beginning of the program.

Mr. TAKAGI. The second point is the home alert program which has been sponsored by LEAA throughout the country, and this is where the policies comes in, and attempts to organize specific neighborhoods so the neighborhoods could work with one another in a supportive kind of way. That kind of project, on preliminary examination, appears to be working very, very well, so at least there are some pieces of evidence that LEAA has done that sort of thing. But, unfortunately, if we look at the total allocation of funds, some 45 or 50 percent of it would be toward, not these kinds of programs, but other kinds of programs.

Mr. GEKAS. Well, of course, the debate on hardware is one of the things——

Mr. SCHWENDINGER. I would like to address myself, however, to the question of street lighting, or as I call it "beautification programs."

The matter of street lighting illustrates why we take a position that it is really the type of organization structure that is important. This structure should represent the people and it should be independent and accountable to legislatures, rather than to criminal justice officials.

I might point out that at present a great deal of "street lighting" expenditures go into commerical areas, with the hope of reducing theft. I will give you a personal example of my opinion of this program.

At one time, I declined to be a consultant to a safe streets program, which involved expenditures for lighting, constructing a new divider with trees on a commercial street, et cetera. It was a street in Oakland, Calif. I asked some questions about what crime problem was involved. I was told that there was a great deal of theft. Black youngsters were going up and down the streets, into the stores and stealing the small businessmen blind. I asked, "Where do these youngsters live?" I was informed that they lived on the streets surrounding the commercial area. I then asked what was the "safe streets" program doing for them, and the comment was, "Well, we cannot do anything for these youth. The program is only concerned with street lighting, with widening the street, and with putting dividers on the street."

I did not want to have anything to do with the program. I, personally, feel that from the point of view of crime prevention, the whole approach has a lot of deficiencies. Most important, it did not direct its attention to helping the youngsters who are engaging in the theft. I can go on and on about the erroneous belief that lights; police hardware; et cetera will prevent crime.

You can put surveillance grids over a city. You can put electrodes in people's heads to control their behavior; you can put TV cameras on every single street. You can do all those things but you will not prevent crime.

Mr. GEKAS. Well, this will be my last question. You know, there has been that problem, perhaps, throughout the program, but I submit that the Agency has made a very energetic attempt to address the kinds of questions about, specifically, juvenile delinquency that you just raised here. And there are substantial programs that have been funded with LEAA money under discretionary funds and the block grant funds directed at the treatment of juvenile delinquent offenders before they get into the criminal justice system.

If the problem is unemployment, if the problem is schools, or a broken home, there are Federal funds in programs throughout the country directed at them.

Mr. SCHWENDINGER. Yes, just briefly I will give you an indication of what this really implies. First of all, those funds are being directed at very conventional delinquency prevention programs.

Let me give you just some of those figures on the research program. It is simply not true that those programs have not been researched and have not been evaluated. They have been evaluated for some time. For example, of five programs that operated over a 28-year period in 1937 to 1965 offering tutoring, family counseling, job development, et cetera, all were unsuccessful in achieving any significant decrease in delinquent activities among treated youth. These are programs with research designs that made objective evaluations possible.

A sixth program, in Seattle, Wash., which employed a satisfactory research design, provided long-term service that is yet more intense than the other prevention programs.

These programs showed no appreciable difference in offense rates between treated groups and untreated groups.

Again, here we have youth-centered programs, that involved counseling, the use of various community resources, et cetera, and that served early delinquents.

Several programs in California have also been evaluated. These results also indicate that prevention strategies generally do not work to reduce delinquency among early minor offenders.

Furthermore, there is a study of 100 traditional delinquency prevention programs, similar to the types that are funded by LEAA. The same negative conclusion is reached in this study. Traditional programs do not prevent delinquency.

Now, I can go on. I have got a whole list here, which can give you some indication of the magnitude of the problem. The failure of traditional programs does not mean delinquents should not be helped. What we are trying to say, however, is that the direction, the traditional content of LEAA, is really at issue here.

Mr. CONYERS. Counsel Freed.

Ms. FREED. I have one question specifically on the LEEP program. The administration is going to suggest that they abolish the LEEP programs, the law enforcement education programs, on most university campuses. You are representatives from the universities to us in Congress. I have a specific question about the uniformity of the curricula of these programs and what you know about the quality of the programs and what you know about improving these programs, as GAO suggested, rather than abolishing those programs.

A short answer will suffice.

Mr. TAKAGI. OK; this may appear like a self-serving answer, but I think the only school in the country that has been providing an alternative view of criminology has been the University of California School of Criminology and that school of criminology has been wiped out, abolished by the chancellor of the university as of June of this year.

Mr. SCHWENDINGER. With regard to the criminal justice programs in California and some of the programs at the university level in some of the other States, perhaps we may find a high quality program, where broader social issues are introduced into the curriculum. Generally, however, these programs are quite conservative. They are traditional and archaic.

Education is important for criminal justice personnel. I do believe that it can be very important. In some sections of the country—we are talking about California—the criminal justice system—let's take corrections, has been partly populated by people who are very prejudiced, and who subscribe to old fashioned, punitive, correctional philosophies. These individuals have been very difficult to change.

There has been a slow and gradual change, however, in some places, such as San Francisco, partly because of the administration, and partly because more highly educated people are now being hired, and partly because of the affirmative action programs.

Black deputies are very different in regard to how they see human beings than some of the white deputies, who represent the old guard.

I think we have to inquire into the content of these educational programs and whether they are addressing social issues positively.

Mr CONYERS. Gentlemen, you have been helpful and the subcommittee stands in recess.

[Whereupon, at 12:23 p.m., the subcommittee recessed, to reconvene at 10 a.m., February 25, 1976.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WEDNESDAY, FEBRUARY 25, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:03 a.m., in room 2226, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, Danielson, Hughes, and Ashbrook.

Also present: Maurice A. Barboza, counsel; Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. We call as our first witness, Mr. Glen D. King, who represents the International Association of Chiefs of Police. He is their executive director and is a former assistant chief of police with the Dallas Police Department, a graduate of the FBI National Academy, and Northwestern University, and has been the editor of Police Chief Magazine. We welcome you, Mr. King. We will not swear you in. We have your testimony, which will be entered into the record, and that will allow you to present a summary and then allow us to engage in discussion.

Welcome before this subcommittee.

[The prepared statement of Mr. King follows:]

STATEMENT OF GLEN D. KING, EXECUTIVE DIRECTOR AND RICHARD C. CLEMENT, PRESIDENT, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Chairman Conyers, I am Glen D. King.

I am here with Chief Clement, who is the president of the IACP.

We are grateful to you for the opportunity to appear before the committee to offer our testimony.

If it meets with your approval—I would like, because it is relatively short, to read the testimony of the association.

Then, Chief Clement and I will be available for any quesions the committee may have.

At the present time, the International Association of Chiefs of Police has over 10,600 members from 63 nations.

Most of our membership, however, are State and local law enforcement executives from the United States.

The IACP represents law enforcement administrators who have responsibility for actual delivery of police services to the citizens of our Nation.

Unlike police service in many other nations, law enforcement has historically been a local responsibility in the United States.

Municipalities determine their needs and their priorities and provide for police service accordingly.

Police officers themselves live in or near the communities they serve.

They participate in civic activities, both in connection with department-sponsored programs and on their own initiatives.

Local law enforcement officers are not an invading army stationed to maintain control of the populace.

They are friends and neighbors—and, for the most part, they are active and responsible citizens.

This tradition of local police service is one reason why I doubt that we will ever have a national police force in this country.

I am aware that there have been demands from time to time throughout our history for the creation of a national police force, and there are frequent predictions that circumstances will force us to form such an institution.

It is my belief that the creation of a national police force would be destructive to the liberties guaranteed to us under the Constitution, and that most Americans would resist such a step in the strongest possible way.

I am not, however, suggesting that local law enforcement agencies should act in splendid isolation—jealously guarding their own boundaries and prerogatives and refusing to have anything to do with other agencies.

A crime frequently involves more than one geographic jurisdiction.

Sometimes it involves several States and even several nations.

Communication and cooperation among police agencies is an absolute necessity, and this implies a need for regionwide, statewide and nationwide police planning.

Such planning does nothing to compromise the essentially community-oriented character of the police service—and certainly does not establish a national police force.

It does, however, greatly increase the efficiency of law enforcement in the apprehension of criminals who cross jurisdictional lines, encourage the exchange of methods and technology to combat crime, and help prevent the unnecessary duplication of services.

Even before the creation of the Law Enforcement Assistance Administration in 1968, many of us in police service saw the necessity for Federal involvement in crime control.

We recognized that there was certainly a danger of losing a degree of local autonomy in dealing with any Federal agency, but we came to the conclusion that the potential benefits to local police departments and to the nationwide anticrime effort in general far outweighed the possible dangers.

Now that the LEAA has been in existence for 7 years, one thing we can say with certainty is that the concept of community-based policing is stronger than ever.

Many of the grants provided by the LEAA have been used for programs designed to achieve this goal.

Programs like team policing are intended to decentralize the police function even further.

They are based on the principle that an officer's familiarity with the neighborhood—and the neighborhood's familiarity with the officer—will serve to increase police effectiveness.

There are many other strategies with similar goals, and they are gaining increasing acceptance.

The LEAA is providing the funds necessary for the testing and implementation of many of these strategies.

There is recurring criticism of the agency for giving a higher priority to equipment research and dissemination than to person-related activities.

It is true that during the agency's early years a very high percentage of the total funds went to the purchase of police equipment.

It should be borne in mind, however, that at that time a good many departments were financially unable to obtain even the basic equipment they needed.

So in those years, a great deal of LEAA money did go for hardware or programs which were fairly elemental in nature.

In more recent years, what I would consider to be a more healthy balance has been achieved.

Overall, of 85,000 projects sponsored in 7 years by the LEAA, only about a quarter have been devoted to hardware.

I believe that some LEAA funds should continue to be devoted to equipment, including the development of new products that will make an officer's job safer and make him more effective.

It is far too easy to dismiss new products by referring to them as "gadgetry."

The fact is that a great many of the newly developed types of police equipment are more than paying for themselves in terms of the results they are producing.

I don't think we should stop research into lightweight body armor and improved identification equipment, for example, simply because some people see them as luxuries.

If these so-called "gadgets" can save the lives of police officers or improve their crime prevention efforts, then by all means let us dedicate adequate time and money to their development.

It should be clear from the foregoing that the IACP supports the continued existence and full funding of the Law Enforcement Assistance Administration.

It is absolutely essential that there exist some continuing source of research funds for law enforcement in this Nation.

We simply cannot afford not to examine the methods of policing in this country.

We have to know whether what we are doing is because the methods are effective or just because we have always done them that way.

Research is expensive and time-consuming.

But it is a necessity.

The real luxury is to continue a trial-and-error approach to law enforcement.

Throughout my entire career in law enforcement, for instance, I have heard about the importance of selective law enforcement.

The theory is that you address certain problems by concentrating your resources in those areas.

You control accidents, for example, by making use of saturation patrols.

You prevent theft by assigning a large number of men to particularly vulnerable areas.

The fact is that this method may be effective or it may not be.

There is certainly enough evidence that it may not be effective to indicate a pressing need for research in this area.

The LEAA provides a mechanism for facilitating law enforcement research, and this is undoubtedly one of its most important functions.

The continuing use of the block grant approach to fund LEAA projects is particularly favored by the IACP.

Under this approach, the States themselves decide what individual projects should receive what levels of funding.

This increases the efficiency of the system since the States are most aware of local capabilities, resources and problems.

It is a way of insuring that the LEAA will be more responsive to the needs of its clients.

It is in the area of research, nevertheless that the IACP feels LEAA has not performed as adequately as in other demonstrated fields.

In our opinion, LEAA has not adequately drawn on the great amount of knowledge and experience within the police profession itself.

The firms that have been called upon to do the research have certainly been competent enough, but they have too frequently lacked the kind of practical knowledge that members of the police profession themselves can provide.

I do not contend that only the police are capable of doing police-oriented research, but by the same token I don't believe that police professionals should be barred from a full share of participation merely because they are police administrators.

Yet that has often appeared to be the policy.

The LEAA is helping to solve some of American law enforcement's most pressing problems.

But, before it can realize its full potential, it must become more actively involved, through funding, in searching examination of current law enforcement procedures.

A study of patrol practices—and particularly what it termed preventive patrol—was recently conducted in Kansas City under a grant from the police foundation.

The subject of patrol is an extremely important one—and a well-drawn and broadly based study could have been a very useful tool for police administrators.

Unfortunately, this particular study left unanswered far too many questions and was based on far too small a sample to make it of any practical use in law enforcement planning.

This is precisely the kind of study the LEAA should be funding, making use of an adequate sample under a carefully controlled research design.

The LEAA is the only existing source of sufficient funds to do the kind of study that would be of real benefit to the police, and it is exactly this kind of project that the agency should be initiating.

And, as I said earlier, the study should be conducted as much as possible by the police themselves.

The Kansas City effort is not useless by any means, but I am convinced that it would have been possible to create a far superior one under the aegis of the LEAA.

It is the further position of the IACP that a deputy administrator of the Law Enforcement Assistance Administration should be an active police professional or someone with extensive police experience.

I believe this is a reasonable position in view of the tremendous influence the LEAA has on America's police agencies.

Such a person would not act as a lobbyist for police interests, but would be in a position to supply police expertise when important decisions were being made.

Another area in which improvement is needed is in the dissemination of the results of LEAA programs.

LEAA has a Grants Management Information Service which is supposed to inform the Criminal Justice System about projects which have been undertaken, where they have been performed and what the results have been.

This service, however, has not been sufficiently effective, and there have been far too many instances in which a chief of police in one city has applied for funding for a project and had his application accepted, only to find that the same project—for a very similar one—has already been completed in another part of the country.

Some of the confusion may have been the result of the agency's very well publicized problems of administrative tenure.

In the seven years of the agency's existence, there have been seven attorneys general and five LEAA administrators.

It would indeed be surprising if there had not been major problems of continuity and organization under these circumstances.

And it is obvious that a greater degree of stability would enormously improve the performance of the LEAA.

The Law Enforcement Assistance Administration has, on balance, exerted a beneficial influence on American law enforcement.

This is the view of the IACP, and I believe it is also the view of most police professionals—although I sometimes hear complaints from those who have not been most directly involved with the LEAA about the amount of red tape that accompanies any contact with the agency.

This problem, it seems to me, is a problem of the entire federal system and not simply of the LEAA.

One of the most outstanding successes of the LEAA effort is the law enforcement education program (LEEP).

It is my belief that this program has provided more lasting and far-reaching benefits than almost any other Federal program.

The LEEP program has been a major influence on the increased availability of higher education in the field of law enforcement.

In 1968, only 234 educational institutions in the United States offered law enforcement degrees of any nature.

By 1973, the number had risen to 993—and, in 1975, more than 1,068 are participating institutions.

At the present time, more than 97,000 students are being educated with LEEP assistance.

Eighty percent—or more than 76,000—of these students are criminal justice agency employees, and more than 60,000 are sworn police officers.

It is, I think, safe to say that without LEAA assistance education to this extent would not be available to the Nation's law enforcement officers.

The ultimate effect of this program is inestimable.

It is the position of the IACP that with more stability in the agency's leadership, more participation by the police in upper echelon decisionmaking as well as actual research, and an increased capacity to identify and analyze the larger issues facing the police profession, the LEAA will increase in stature as a major force in the war against crime in the United States.

Thank you for your attention.

TESTIMONY OF GLEN D. KING, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

Mr. KING. Thank you, Chairman Conyers. I appreciate the opportunity to be here. I would first like to explain that Chief Clement, who is the president of IACP, regrets that he is not able to be here.

He was going to join me this morning, but he is ill with the flu and not able to be here. He asked me to stress that I speak not just as a member of the staff, but I speak for him and the membership of IACP also. We are a membership organization, as the statement shows, of approximately 10,800 members, representing 64 nations.

Most of our membership is in the United States, with about 10,000 from this country representing most of the administrative law enforcement of the country.

For many years it has been recognized generally that crime in the United States has to be considered a local problem, but more and more in recent years we have come to the realization that while it is basically local in nature, there is a very major role the Federal Government can play. The Congress of the United States, I think, recognized this very clearly when it enacted the Omnibus Crime Control and Safe Streets Act of 1968, which has been amended in 1973 and continues to this time.

For the first time, with the advent of that law, fairly major sums of money became available that had not been there before, and with that money we have been able to do things in law enforcement that I am convinced have been beneficial to its professionalization, its progress, and to society generally, that would not have been available to us without Federal assistance.

One of the frequent criticisms we hear of the Law Enforcement Assistance Administration in its efforts to assist State and local law enforcement is that a very major part of its money is spent on hardware.

I had addressed this in the statement that I have submitted, and I would like to summarize it here. We feel, also, that in the early years, a major part of the funds expended by LEAA was for hardware, and we feel that it was understandable, and is at the present time still understandable. At that time many law enforcement agencies in the country simply had not the money to buy needed equipment. During the first 3 years I think it would have been completely unreasonable to expect that major parts of the money would not be spent for hardware.

We have seen what we believe to be a very healthy trend and a very desirable one in more recent years in that a major part of the money is now being spent on person-related activities, on research directly related to people, rather than research directly related to equipment and hardware, and we believe this to be a desirable thing.

I think that of the total of 85,000 projects which have been funded by LEAA since its inception, only about 25 percent of them have had to do with hardware, and we believe that a certain amount of hardware research and a certain amount of hardware purchase is necessary, but not to an excessive degree. We think that at the present time it is not excessive.

One of the major contributions LEAA can make is in research. I think it a fact that, using parentheses around the word "know" we know, perhaps, more incorrect things in law enforcement than we really ought to know because over a period of time, we have used methods, and if the methods have worked with some success, we have assumed that they were the best procedures that could be followed, and we are now realizing that in a very large number of areas and in some very basic ones, in patrol and community services, in traffic

law enforcement, in a large number of these areas, there is the necessity to determine whether the procedures that are being followed are really the most effective procedures that are available to us.

The only way this can be done, I think, is through the expenditure of great amounts of time and of concomitant considerable expenditure of money. This is not available to a law enforcement agency on an individual basis, and I think the only way it can be properly funded is through the active intervention of the Federal Government and LEAA has been fulfilling this role.

The basic thrust of LEAA from its beginning has been on the block grant approach, and the IACP does support this approach to the Federal funding. We believe that this is a proper way for the money allocated to LEAA to be disseminated throughout the States. We think there should be an involvement of each of the 50 States in a determination of how that money is best spent because we believe that on a local basis and State basis it is possible to determine more accurately what the needs are, rather than having them determined by LEAA at the central station.

So, we would urge a continuation of the block grant approach. There has been a tendency in recent years to categorically allocate certain funds of LEAA to certain specific segments of the criminal justice system, and we believe this to be undesirable. We think that the figures, if they are categorically allocated, must be arbitrary at best, and that a determination of the actual merit of each individual incident must be made. We feel that it cannot be made if it is on a categorical basis.

We believe there ought to be, administratively, in LEAA, more police involvement. We think that one of the deputy administrators of LEAA ought to have a police background, not because he would serve as a lobbyist for law enforcement, but very simply because the needs of law enforcement are best understood by a person with such a background. We believe, too, that there would be added strength in LEAA if one of the administrators were of a police background and a greater number of people generally at LEAA, particularly in the upper echelons, came from a law enforcement background.

We think that one of the problems with LEAA which needs to be corrected has to do with a lack of tenure at the administrative level in LEAA itself. Within the period of 7 years that LEAA has existed, there have been five administrators and seven Attorneys General of the United States, with 12 persons actively involved in the administration of the program. When policies change, when the principals change, or when the actors change the programs are disrupted. We feel that there has not been an adequate tenure or an adequate solidarity of the position, and that this does need to be very carefully watched.

One of the things that we see developing in LEAA which we think is directly contrary to the needs of law enforcement has to do with the law enforcement education program. There are plans, I think, to discontinue this. For a period of some years, approximately $40 million has been allocated annually to an educational program for law enforcement or total criminal justice components throughout the country. With this money, a relatively minor amount when compared to the total allocations of LEAA, approximately 1,068 colleges and

universities throughout the United States have established educational programs that are now attended by more than 90,000 persons, about 65 to 70 percent of those active duty law enforcement officers who are now enrolled in college or university educational programs.

I am of the belief, without exaggeration, that this program offers the greatest long-range potential for the benefit of law enforcement of anything LEAA has done, and I would urge that this be—going against what I have said before about not believing in categorical allocations, I do believe that this is one area in which categorical allocation ought to be made.

Mr. CONYERS. Right. That is the way everybody feels about LEAA. Do not have categoricals except where it applies to me.

Mr. KING. I am not saying that, Mr. Chairman. I really am not. I am not saying that there ought to be——

Mr. CONYERS. Well, you just said it.

Mr. KING. Well, I am not saying there ought to be categorical allocations for law enforcement or police. I do not think that at all. This, the law enforcement education program is not simply for the police. This is available to personnel from any of the criminal justice components so this is categorical in a sense, but it is not categorical in the selfish sense. It is still available to everyone.

Mr. CONYERS. Civilians?

Mr. KING. There are a number of civilians who are involved in the program now.

Mr. CONYERS. Yes, there are, but they are ex-police officers, former law enforcement officers.

Mr. KING. I do not know.

Mr. CONYERS. Well, I suggest you check it out. One of the complaints we get constantly is that this is a haven for retired police officers.

Mr. KING. I said I do not know.

Mr. CONYERS. Does that bother you somewhat?

Mr. KING. If it were true that this were excluding persons who are coming into law enforcement, it would, but I do know that there are persons who have not been associated with law enforcement who can apply for and receive both subsistence grants and scholarships under this, or loans for scholarships, who have not been police officers. I am not personally of the belief that law enforcement education programs at the college and university level ought to be restricted. I think there should be very strong encouragement for attendance by persons who have not yet become police officers. I think, ultimately, that this will be necessary, and I think that we are eventually going to find ourselves in a position of requiring, before a person becomes a police officer, that he be educated in advance, and I think this is highly desirable. I think we ought to be moving in that direction now.

Mr. CONYERS. Well, has your organization recommended that the policeman have degrees or have some basic minimum education?

Mr. KING. Yes, sir. We have recommended this.

Mr. CONYERS. What are your recommendations?

Mr. KING. The recommendations that we have made—and we have made them over a long period of time—are contained in the Commission on Law Enforcement and the Administration of Justice of 1960. Our recommendations were made there that ultimately all persons ought to have, that is full time law enforcement authority, ought to.

be required to have college degrees; that more immediately people of supervisory and administrative grades in law enforcement ought to have degrees for admission to those positions.

So, we have adopted a position on this. We have articulated it, and I think it is a reasonable one. It may be an optimistic one.

Mr. CONYERS. Well, I quite agree with you that it is important and necessary.

Would you agree with this assessment, that there is a rapidly escalating police apparatus and an increasing frequency of police repression in the United States?

Mr. KING. No, sir.

Mr. CONYERS. What part of that statement do you disagree with?

Mr. KING. I guess, one, I do not think that there is a rapidly developing police apparatus, first.

Mr. CONYERS. You are not aware that we are expending an increasing percentage of our gross national product on law enforcement, police apparatus mechanisms and personnel?

Mr. KING. We are also experiencing each year, Congressman, an increase in crime. I think the last recorded one was about 17 percent, and I see this a reflection, or a needed response to a developing system, but the apparatus of law enforcement in the United States is not developing, as such, I think. There are now an estimated more than 20,000, and no one knows exactly what the total figure is, but there are an estimated more than 20,000 law enforcement agencies in the United States, each of them relatively autonomous, without too much coordination between them of a structural nature with most of a cooperative nature. So, to say that this is a developing kind of a structure, I think simply is not consistent with the facts that exist.

Each municipality or most municipalities have their own police agencies, but to see this as a developing system, no.

Mr. CONYERS. But do you think there is a diminishing of police apparatus in the United States?

Mr. KING. I do not think it is either diminishing or increasing at any major rate at the present time.

Mr. CONYERS. Well, the crime rate is increasing.

Mr. KING. Yes, sir, it is.

Mr. CONYERS. The fear of crime apparently is increasing.

Mr. KING. Yes, sir.

Mr. CONYERS. And the moneys that the Federal Government expends in this direction and local governments is increasing. Well, how do you explain and rationalize those two curves going up at the same time?

Mr. KING. Because I think the system of law enforcement, as I said, is there. It is not a developing thing. I think it has developed, and I think we see very few law enforcement agencies coming into being. We see no specific tendency, I think no trend toward nationalization of police.

Mr. CONYERS. We do not?

Mr. KING. I do not see that, no.

Mr. CONYERS. Well, how do you——

Mr. KING. As a matter of fact, I can see very strong opposition to that.

Mr. CONYERS. Well, how do you explain that we are spending more money federally? I suppose you will not disagree with that?

Mr. KING. No.

Mr. CONYERS. We are spending more money locally. I suppose you will not disagree with that? We have more local law enforcement officers and policemen and civilians working in law enforcement agencies than ever before. I do not think you will disagree with that?

Mr. KING. I do not.

Mr. CONYERS. Then, how do you account for the escalation of the crime rate?

Mr. KING. I think by the implication of the statement, Mr. Chairman, you are saying that the crime rate is increasing because of that and the causal factor is the exact reverse of what it is.

Mr. CONYERS. You mean the more we put into it, the more crime we get?

Mr. KING. That seems to be the suggestion that is being made, and I think that is not——

Mr. CONYERS. Then, if we diminish the amount of money we put into it and diminish the personnel, we would expect then a lowering of the rate of crime?

Mr. KING. If the first observation were a valid one, I think—in this case, I think the first observation was not a valid one, so I think the second one would not be.

Mr. CONYERS. Well, then I go back to my question, how do you explain the divergence of these two considerations—rising crime and more apparatus and personnel involved in trying to stop the rise of crime?

Mr. KING. I think to do this—and this is, this will not be a long explanation, but I am going to have to go back some considerable period of time to be able to answer you correctly. I think in 1829 when Sir Robert Peel organized the Metropolitan Police Department, he said the best judgment of a police agency is the absence of crime, which led us to believe that law enforcement, itself, has the ability to control the level of crime within a community. And this has been said so many times that even police agencies themselves and police administrators themselves have come to accept this, and I think we are now realizing more and more that this is only one of the factors involved.

The police, themselves, are one, and one very important factor, involved in it, but there are a very great number of other things that contribute to what you are saying, Congressman, I think, and one of these is social attitude itself. One of these is acceptance of behaviors on the part of society, of a fairly large number of them, and to equate the increase in crime only with the law enforcement agency, I think, admits into equation one factor and excludes so many other factors that there is no possibility of making any kind of sense out of it at all.

Mr. CONYERS. Are you taking issue with Mr. Peel?

Mr. KING. With whom?

Mr. CONYERS. The gentleman you just cited.

Mr. KING. I take issue with what it leads us to, and if what it leads us to is an acceptance of the fact that the level of crime in a community is the sole responsibility of the police or is affected only

by the efforts of the police, if that is the direction in which it leads us, I certainly would.

Mr. CONYERS. Would you give for this committee, Mr. King, the list of nations that are involved in the international organization which you represent here before this committee, and we will incorporate it into the record?

Mr. KING. Certainly, I would be very happy.

Mr. CONYERS. We would be very happy to have it.

[The information referred to follows:]

INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE, INC.,
Gaithersburg, Md., February 25, 1976.

Hon. JOHN CONYERS, Jr.,
House of Representatives,
Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN CONYERS: In response to your request for a list of those international members of this International Association of Chiefs of Police, the following summary is submitted: Argentina, Australia, Bahamas, Belgium, Bermuda, Bolivia, Brazil, Canada, Chile, China (Republic of), Colombia, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Germany, Ghana, Greece, Guatamala, Guyana, Iceland, India, Indonesia, Iran, Jamaica, Japan, Jordan, Korea, Kuwait, Laos, Lebanon, Lesotho, Liberia, Mexico, The Netherlands, New Zealand, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Portugal, Saudi Arabia, Singapore, South Africa, Sudan, Swaziland, Switzerland, Thailand, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland (British Colonies and Protectorates), Upper Volta, Uruguay, Venezuela, Zaire.

In each of these countries, the membership may range from one department such as Argentina with only Buenos Aires to those such as Canada where numerous provinces and cities are represented.

Should you desire further information, please contact us.

Respectfully submitted,

WILLIAM D. ELLINGSWORTH,
Manager, Office of Public Relations.

Mr. KING. As a general rule, more of our members are from the Middle East and from South America and from Africa. We have a relatively small membership in Europe because they have other organizations there.

Mr. CONYERS. Now, on the matter of hardware expenditures, which you, apparently, find has not been excessive nor inappropriate, do you know how much we have spent in the Federal Government on hardware expenditures since the inception of the Law Enforcement Assistance Administration?

Mr. KING. I could not give you a firm figure, no.

Mr. CONYERS. Well, then, how do you know that it is too much or too little?

Mr. KING. I had said that in the beginning, and we watch this on an annual basis. You asked for a cumulative total. I know cumulatively that the percentage of programs that have been oriented toward hardware is about 25 percent, and we can watch it on an annual basis. The research arm of the LEAA, the National Institute, which has to do with research on a lot of the hardware has a relatively low budget of about $40 million a year.

Mr. CONYERS. Well, about one-fourth of $4 billion. You do not think that is so bad?

Mr. KING. I think if that were what we were doing now, it would not be a desirable thing. I think that is not what the trend is now,

Mr. Chairman. I think in the beginning, as I said, there were agencies without radios and there were agencies without other necessary kinds of equipment because they were from small cities, they were unable to afford it, and I think it was entirely predictable that, in the beginning there would be a greater emphasis on hardware.

I suggest to you, if you will take a look at the last 4 years, or the last 3½ years, as compared with the first 3½ years of operation, you will see a very major difference in the emphasis on hardware, and I completely support the direction. I think it is appropriate; I think it is mandatory. But I think that right now, very clearly, the emphasis is on people-related activities, and it is not now on hardware.

Mr. CONYERS. Well, are you aware of some of the more embarrassing horror stories that have come out of the LEAA with regard to hardware?

Mr. KING. I have heard some, yes.

Mr. CONYERS. Tell me about them.

Mr. KING. I heard that during one period of time in an area approximately 35 percent of the total expenditures have been for radio equipment.

Mr. CONYERS. Oh, that is not so bad.

What about the mortar and the helicopters and the cannons and the tear gas and the grenades and the automatic weapons—does that not sound a lot worse?

Mr. KING. That sounds bad, certainly.

Mr. CONYERS. Have you heard about those?

Mr. KING. On cannons, no, sir. I have not heard about that. On tanks, I have heard about some armored personnel carriers that have been in place and had been employed and had been photographed and represented as tanks.

On tear gas, yes. Tear gas is regularly used.

Mr. CONYERS. By local law enforcement agencies?

Mr. KING. Yes, by law enforcement agencies. And it is considered by law enforcement and, I think, by the public generally, to be entirely acceptable in its use under certain conditions, very carefully controlled ones.

Mr. CONYERS. What about dumdum bullets?

Mr. KING. I think the question of the dumdum bullets is one that now is in the process of being researched to determine what kind of bullet actually is the least harmful, in the long run is the most humane, and is the most effective.

Mr. CONYERS. Well, nobody ever asserted that that would be dumdums, no matter what kind of tests you came up with.

Mr. KING. I do not really know whether to say that it is not without going into a fairly elaborate exploration of the qualities of both. I cannot do that—whether you want an armor-piercing bullet that penetrates one person and hits another person behind, or whether the dumdum stops in the one you are shooting at.

There are a very great number of things that are involved.

Mr. CONYERS. Well, I suppose that is an honest question over which reasonable law enforcement officers can disagree and agree.

Mr. KING. Yes, as a matter of fact, we have carried articles in Police Chief magazine.

Mr. CONYERS. Whether you want to shoot up the whole town or just one person?

Mr. KING. Or not wanting to shoot anybody at all.

Mr. CONYERS. Or not wanting to shoot anybody at all—that raises the question of disarming the police. I have not heard anybody advocate that, certainly not in your organization.

Mr. KING. I think before the police would want to disarm, they would want to see the public disarm.

Mr. CONYERS. Would there be any sentiment if the public were disarmed, that the police would in turn disarm, or at least deescalate?

Mr. KING. That is an entirely hypothetical thing that we have not seen.

Mr. CONYERS. Well, it is not so hypothetical. We have legislation introduced to disarm every American citizen.

Mr. KING. It has not been passed yet, though, sir.

Mr. CONYERS. Well, you are absolutely correct there; but it is not hypothetical. There was a vote in this subcommittee on this same subject only a few months ago.

Mr. KING. I think, you know, I can give you a belief, and that is all it is. It is my belief that, if the perceived necessity for a gun on the part of a police officer did not exist, then there would not be a desire on his part to carry one.

Mr. CONYERS. Well, are there any, let us say, enlightened or liberal members of your organization who could foresee and discuss a society in which the citizens are not armed, and therefore the law enforcement officers would have less need for the rather complete set of hardware that they now come provided with?

Mr. KING. Certainly.

Mr. CONYERS. Are there people talking about that in your organization? Has there been a paper advanced or has there been a discussion about what kind of a society we would have, how it would impact on law enforcement?

Mr. KING. I think police officers are still viewing the society that exists, Mr. Chairman, and they are attempting to accommodate their actions to propriety in view of that existing society. And, you know, so far as us talking about what might happen if something else happened, we can do this, but there is not very much time left for that kind of activity.

Mr. CONYERS. Well, what about the consideration of firearms regulation in the United States? That is an issue in which law enforcement officers have a great concern, is it not, firearms regulation?

Mr. KING. Yes.

Mr. CONYERS. Gun control?

Mr. KING. Yes.

Mr. CONYERS. What is the organization position on that subject?

Mr. KING. We have appointed—this year, and we have now functioning a committee of eight members of our association who are examining the impact of firearms on law enforcement, on police service, and we hope by this autumn to have adopted a position by the membership at our conference in Miami Beach.

At the present time, we have 10,800 members. There are probably 10,800 different opinions about whether firearms—the existence of firearms, the availability of them—impact on crime.

Mr. CONYERS. Well, someone is spreading an awful rumor about your association, because they are alleging that the police are for a certain amount of gun control regulation, that they are for elimination—certainly the reduction, if not the elimination—of the handgun in civilian use as it is popularly enjoyed. Is that untrue?

Mr. KING. That is untrue, so far as my organization is concerned, Mr. Chairman. We do not have a position.

We do have members of the association who have personal beliefs. We have had State associations who are not directly associated with IACP, State associations of police chiefs who have adopted positions within the last year. But these are not reflective of the IACP, because we do not, at the present time, have an official position.

Mr. CONYERS. My last question is this: If you are as disturbed as I about the crime rate, increasing amounts of money that is not working, how should we change LEAA to make it more effective?

Mr. KING. I think, to want to make LEAA more effective is entirely desirable, and I think it is a mandatory objective. To make law enforcement generally more effective, I think, is a mandatory consideration.

I suppose I believe that you accomplish this to the degree to which the impacts can be made, and I think we have to—No. 1, admit in the beginning that there are other factors involved in this that are of sufficient strength, that if we eliminate them from our consideration, we are giving ourselves a failure in the beginning. I think the attitude that the public perceptions and public values are so important here that anything done by the law enforcement agency—it has only an incidental chance of success, if it is contrary to the mainstream of public belief.

I think that is No. 1. We have to better identify what the public opinions are; and we have to better identify directions generally in which we are going to go. I think we need to pull ourselves together in this.

I think we need to do research into methodology. I think we need to know, for an example, what an effective method of patroling a city is, whether it is proper to put people in marked cars out so the visible effect of the officer on the street attempts to control crime by his presence. I think we need to know whether this works, and we need to know it better.

I think we need to know whether the community relations programs we have underway are working. I think we need to know whether traffic law enforcement, selective law enforcement, really does work or whether it is a myth we chase.

I think we need to know these things. And I think the only way we can know these things is through the expenditures of very great amounts of effort, a considerable amount of public employee time, and that is expensive, and I think that is one of the things that LEAA needs to do. I think it needs to be more research oriented, and I think it needs to be more critical of problems of programs that are underway, and I think it needs to fund a greater number of efforts by police agencies and by others who are able to conduct it into the methods, the total methods, of law enforcement to see whether they are right.

Mr. CONYERS. Thank you. Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

You, I think, express a lack of satisfaction with the LEAA's dissemination of information on successful projects, or unsuccessful projects for that matter, and I agree completely. And that is an area that needs to be built up.

In the meantime, what is being done by your association with reference to the collecting and dissemination of experience information in law enforcement?

Mr. KING. We do have several publications, sir, that are actively involved in this. The Police Chief magazine has a—by national magazine circulation standards—is fairly limited; but it has about a 20,000 circulation. And we frequently have articles in the magazine, the Journal of Police Science and Administration, and other publications of the association.

We have newsletters on a regular basis that are disseminated to law enforcement practitioners, to members of the association having to do with, in some areas, equipment that has been tested by LEAA, by the National Bureau of Standards, by other organizations, that is of use to law enforcement interpretation of those standards and dissemination of the information about it.

We are involved in it, but the volume of it, and the number that we are able to address, or that we do address, compared with the total number of programs underway, means that a very limited amount of the information available to law enforcement actually is being disseminated. And I see this as a need that does need to be addressed.

Mr. MANN. Is your association the recipient of any public funds from any agencies?

Mr. KING. Yes.

Mr. MANN. From what sources?

Mr. KING. We receive funds from LEAA, have contracts under grants from LEAA. We have them from the Department of Transportation. We have them from other agencies of the Department of Justice. We have them regularly from Labor, some from Commerce, from HEW.

At the present time, I think we have contracts from the Department of Defense, from HEW, from Justice, and from Labor.

Mr. MANN. And this is to the International Association of Chiefs of Police?

Mr. KING. Yes.

Mr. MANN. You referred to, in effect, developing greater coordination through better planning between agencies, crossing State lines, regions, and whatnot. It would seem, from the list that you have just rattled off, that your organization has the capacity to promote, and may be promoting at this point, or to carry out an organized planning effort. What is being done?

Mr. KING. We have standing committees of the association addressing 14 areas of active interests of the police chiefs. These committees are very active in most regards.

We have a crime prevention committee, we have a traffic safety committee, we have an organized crime committee, we have a uniform crime reporting committee—all of these disseminating information about activities in their specific area of interest.

And then we have an annual conference, in which this last year 7,000 police administrators participated. We had 2 days of general sessions, where persons from the Federal Government, from State

governments, from local organizations discussed problems of law enforcement.

We have regular continuing activities at the association. We have a total of, I think, 14 periodic publications that address issues.

Mr. MANN. Well, are you working very closely with the Washington office of LEAA?

Mr. KING. We are in frequent contact. Yes.

Mr. MANN. With reference to the law enforcement education program, is it not true that, across this country, most inservice officers have completed the course?

Mr. KING. I think it is not true that most have completed it. No. A very great number are still involved with it, sir.

Mr. MANN. You do not have any idea as to what proportion?

Mr. KING. Well, the number that have completed it—I can give it to you on some city-by-city basis. But the cumulative numbers across the country, I do not know. I know that there are still more than 90,000 persons enrolled under the LEEP program, and of these, almost 70,000 are active duty police officers, which means that there are about 20,000, more than 20,000, involved who are not active duty law enforcement officers.

Mr. MANN. Well, for some reason, the administration has recommended no funds for the 1977 fiscal year.

Mr. KING. Yes, sir.

Mr. MANN. What is their rationale? Do you know?

Mr. KING. No, sir. I can see some very great loss from it.

There is also a recommendation, or perhaps more than a recommendation, that tuition charges I think, of about $2,300, be made to municipal and State law enforcement officers who attend the FBI national academy. And I think that that is going to be a very serious disadvantage to law enforcement, just as I think the end of the LEEP program is going to be, the honest end of law enforcement education available at the college and university level.

There are now 1,000—at the last count, 1,068—colleges and universities with law enforcement programs; and I believe totally that, if we discontinue the LEEP program, within 2 years there will not be half that number, and within a relatively short time there would be very few, colleges and universities offering law enforcement. And I believe the need is monumental.

Mr. MANN. Well, of course, a thousand plus is a little better than twenty per State. And I recognize that there were qualified retired officers and the like who were available to man these schools, but—and that goes back to my first question: Did we not have a marvelous—and I, of course, am highly in favor of it—tooling up to do this long-neglected job of officer education, and now maybe we are over-tooled and we can cut back and have a little more expertise in these institutions?

Mr. KING. I think you are only over-tooled if you have a mechanism in the college or university that is not being utilized. And it is being utilized. The enrollments are current. They are not past enrollments. There has not been a decline in the enrollment at the colleges and universities.

And I think that the need for it continues. And I think the need for it will continue for the foreseeable future. I think, again, and this

is something that I believe very strongly to be of very major importance to law enforcement, one of the most important things that has happened.

I think this money, that amount of money again—and I think it is not an exaggeration—I think in the long haul, that money is going to have the greatest cumulative effect of anything LEAA has done.

Mr. MANN. Well, I happen to agree with you. And, as we well know, police and sheriff's forces across this country were grossly undermanned anyhow; and, even if we had enough capacity to educate those who were in the system, we have still got a lot of people to educate and improve the quality of the numbers in the system.

I believe that is all.

Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman.

I, being a member of the Education Committee, I cannot help but reflect that police are beginning to look a little bit like educators. They take a position that the more they expend, the better they are going to get.

Do you honestly think that, in spending all this money, we have had any real reduction in crime or any increase conversely of the law and order side of the coin to combat crime. I think the average citizen kind of wonders, are we just spending money and talking about it, like we do in education, increasing the quality of education, and we look at it and the quality is not increasing. Is not this same thing happening here?

Mr. KING. Are you asking that specifically, sir, about the money spent on education, or the general money spent on law enforcement?

Mr. ASHBROOK. Well, I am just saying, as a member of the Education Committee, I keep hearing this song, the more we spend, the better things are going to get. And I keep wondering, obviously, as a general response on your part—do you think money is the answer?

Mr. KING. I think probably not. Ultimately, money is not going to be the answer. I think probably money is going to be necessary for us—if an answer is to be found. I think it is probably going to be impossible for us to find the solution without the expenditure of money. I think we are going to try a large number of things that do not work, looking for a few things that do work.

And I think a cost effective approach to the control of crime probably is not a viable one. I think it is probably not one that we can logically expect. I think we cannot now, and perhaps we will never be able to, quantify crime reduction to the degree that we can say we will spend $1 and we would reduce crime by one ten-thousandths of 1 percent. So we get it this way.

I do not think that is the approach that can be made.

Mr. ASHBROOK. Well, we probably cannot quantify it. But I think we can probably assess the direction, whether we are making any progress or not.

Say you were sitting here today and we did not have any LEAA. When we were talking about setting up such a program, do you honestly think we would be in any better position right now, if we had not had LEAA the past few years?

Mr. KING. Do I think we would be in a better position, generally, if LEAA had not existed? No.

Mr. ASHBROOK. No, do you think we are in a better position? Or do you honestly think it would be about the same, whether or not we had had it?

Mr. KING. No. I think we are in a better position. I think, if we attempt to equate the existence of LEAA or any other crime reduction program, or whatever name you want to give it, if we are going to equate it totally to the number of dollars spent, then we are not going to be able to prove that, as I said. But in my own belief, there has been a very clear benefit from some of the programs of LEAA.

And I think law enforcement right now is more competent. I think there is now a greater or better relationship between the public and law enforcement. And I think part of that has to do with some of the things that LEAA has done.

One of them is the thing that they are discontinuing. I think one of the major advantages of the college programs that we have had is that it has produced a greater sensitivity and has created a greater, more viable relationship.

Mr. ASHBROOK. You mean nobody ever improved their training, and nobody ever had education before we had LEAA?

Mr. KING. Sure you did. I was a member of the Dallas Police Department; and there were 32 members in 1968; 32 members of that department had college degrees. At the present time, now, more than 700 members of the department have college degrees; and about 1,200 members are enrolled in college and university programs.

Mr. ASHBROOK. But is that because of LEAA, or because there are more people going to college now?

Mr. KING. No. I think that without LEAA even the programs will not exist. I think the colleges and universities are not going to have educational programs unless they have some assistance coming in from the students.

Now, in many locales, the cities themselves pay the expenses of the officer attending college, and the city of Dallas happens to be one; but many other cities do not. And I am saying that, without Federal money involved in the program, law enforcement education generally, as it exists at the present time, is going to cease to exist and is not going to be available for them to go.

Mr. ASHBROOK. I notice on page 6 you talk about a great many of the newly developed types of police equipment are more than paying for themselves in terms of the results they are producing, but you do not really go into what the many types of police equipment are. What are they?

Mr. KING. Well, one of the things that I would certainly like to mention in this regard would be the body armor.

There has been considerable research done on body armor, and it is far from being perfect, but the officer now has the ability to be much safer under critical conditions than he had at one time. Money was spent in the development of this and in the testing of it.

Equipment—there has been money spent on research on radial tires, and the effects of radial tires in policing.

Mr. ASHBROOK. Of course, we had radial tires without LEAA.

Mr. KING. Yes, but we came to an understanding through some of the efforts of LEAA and some of their testing of the tires that if you travel at a very high rate of speed, as you have to do sometimes in chases, with those radial tires you better be prepared for their disintegration, also.

Mr. ASHBROOK. You mean in all these Government areas of testing, et cetera, it took LEAA to get into radial tires?

Mr. KING. No, it did not, but LEAA now, Congressman, LEAA funds the kind of research that municipal law enforcement is not able to fund.

You take one individual law enforcement agency, and it is not going to be able to do it—just take one example.

Take the body armor. A local department is not going to be able to expend the effort. It is not going to be able to allocate either the manpower or the funds to do the kind of research on that that needs to be done because it is independent and it is apart from—and I think this is an area in which the Federal Government best fills a role that cannot be filled by local and State law enforcement agencies.

Mr. ASHBROOK. There is a certain amount of progress that is being made all the time in areas like this and that can be made with or without the LEAA, and, all of a sudden, we say this was done by LEAA, or through a grant, or one of their 8,000, or 9,000 projects, that it kind of boggles the mind to think progress comes from these Federal grants.

I suppose there is some area where it does prove to be effective. I guess I have watched over the years, and, to be very honest, it is awful hard to spend a billion dollars and not do something with it, whether you are talking about the poverty program, or the foreign aid, LEAA, education.

It is just a question of whether, in the spending of that money you really got what it was worth or not. I have to be one of those in LEAA who wonders a little bit. I am sure it is on the right side. I am sure it is in the right direction, but, when all is said and done, you cannot help but wonder, if you were sitting here and you were testifying, we had not had LEAA for the past few years, how much better or worse off we would be.

I do not think we would probably be that much worse off. Maybe we would be. Maybe you could make a good case for it.

Mr. KING. I wonder honestly how many programs, at the Federal, or the State, or the local level, could sustain that sort of criteria, or would survive it.

Mr. ASHBROOK. Not many.

Mr. KING. I think very few would. I think if we adopt that approach to it, then half of the programs that we have would have simply been voided. I think that most of them would go out the window.

Mr. ASHBROOK. Thank you, Mr. Chairman.

Mr. CONYERS. We have a colleague, Mr. Blanchard, who is waiting to come before the committee. I am just going to ask if you have any objection or the subcommittee, to inserting after your testimony, your letter to the Washington Post in responding to a column by Jack Anderson and Les Whitten, in which LEAA was a point of discussion?

Mr. KING. I have no objection.

Mr. CONYERS. It will appear.

My final question is why is there an international association of police chiefs?

Mr. KING. Our charter says we exist to improve the administration of law enforcement around the world in our member nations and departments.

We exist to serve as a vehicle by which the experiences of one department can be learned more easily by other departments.

We are primarily a communication device, and we exist also as an organized voice of executive law enforcement.

Mr. CONYERS. Do you ever learn anything from the Hong Kong Police Department?

Mr. KING. That specific one I do not recall.

Mr. CONYERS. Well, what about the Bombay Police Department?

Mr. KING. Or the Brisbane, Australia Police Department.

Yes, we do learn some things. As a matter of fact, we have speakers from other countries talking about their practices, their procedures, what they do that is successful, what they do not. We have them submitting articles to us, so yes, we do learn from each others—we find out also that the state of law enforcement, or the public state that exists in this country and its impact on law enforcement is not restricted to this country, that there are generally—trying times.

Mr. CONYERS. Without us being boastful, would it be fair to say that we are teaching them more than they are teaching us?

You see, we have the best technological police operation in the world. There is nobody who has more technology and has created a science out of it than the United States. Is that true?

Mr. KING. Yes, and if you are saying we, the United States against them, but, you see, I am the executive director of an international association, and the them are as much my members as the us are my members. Mine is not a U.S. organization, as such. It has the greatest membership in the United States, but it is not them and us. So far as the question does the United States have the ability to influence *them* more than they have the ability to influence the United States, the answer is yes, very clearly, and I think that this is a vital contribution that we can make to international law enforcement, and I think it is an extremely important one.

Mr. CONYERS. Thank you very much, Mr. Chairman.

Mr. ASHBROOK. Will you yield on that point?

Mr. CONYERS. I certainly would.

Mr. ASHBROOK. Just out of curiosity, have you used any LEAA money for traveling around to any of these conferences overseas?

Mr. KING. There were some committee meetings that were funded by LEAA 3, 4 or 5 years ago. In recent years——

Mr. ASHBROOK. Why would you use LEAA money for that? You are an international organization. You have been traveling around before LEAA came in.

Mr. KING. Yes, but we would not have been meeting for the purpose for which we met because we meet for a specific purpose.

Mr. ASHBROOK. Well, you know, if you were a Congressman, what they would call that, do you not?

Mr. KING. Probably taking care of his business. That was what we were doing.

Mr. CONYERS. Thank you very much, sir.

[The letter from Mr. King to the Washington Post follows:]

[Washington Post, Aug. 12, 1975]

PRIORITIES FOR THE POLICE

A recent column by Jack Anderson on priorities of the Law Enforcement Assistance Administration (LEAA), while focusing proper attention on the activities of the Federal agency, created the possibility of public misunderstanding.

Mr. Anderson's column questioned the high priority being placed on technological research. Specific items questioned included police footwear, police patrol vehicles and a physical fitness monitoring device.

The IACP completely concurs that the major needs of modern law enforcement are person-related rather than technological. It is of the belief that the emphasis not just of LEAA but of law enforcement generally ought to be in the improvement of the relationship of police service and the public so that police responses are more consistent with public needs. There is also a very major necessity for research into police procedures so that more effective police programs may be developed.

However, emphasis placed on people-oriented needs does not require that inadequate attention be paid to police technology. While it is true that the development of more suitable footwear may not result in a lower crime rate, it is, nevertheless, worthwhile as it allows the officer to conduct his crime prevention efforts in greater comfort and safety. Any officer who has directed traffic or walked a foot beat for long hours—and thousands do each day—will attest to the desirability of developing footwear that will provide for him an ability to perform his necessary tasks in greater comfort.

It is also appropriate that attention be given to the development of a more efficient police vehicle. Not only are the police major users of the Nation's limited supply of gasoline, they are also a group to whom high mobility is an absolute necessity for any acceptable degree of efficiency. For years, police administrators have recognized the inadequacy of the family automobile to police service and have urged that a vehicle more suited to the requirements of law enforcement be developed.

The physical condition of the police officer is also important. IACP has recently begun, with LEAA funding, to develop a program of physical fitness which, hopefully, can be used by police agencies across the Nation to improve the physical condition of the police officer.

As Mr. Anderson observed, the question at issue is one of priority. If a major part of the 770 million dollars allocated to LEAA for the current fiscal year were devoted to technological research, a serious queston of priority would exist. However, a very small per cent is devoted to police technology. The establishment of a high priority in other more obvious areas of need should not prevent adequate attention being given in this area. An objective of a safer and more healthful work environment for the police officer is also in the public interest.

GLEN D. KING,
Executive Director,
International Association of Chiefs of Police, Inc.

Mr. CONYERS. Our next witness is our colleague from Michigan, Mr. Blanchard, who is missing from his own subcommittee responsibilities this morning.

We are delighted to have him here to testify. He has prepared a statement, and he is the author of H.R. 11251, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants to States and major units of general local government to accelerate the disposition of criminal cases in such jurisdictions, and for other purposes.

We are very pleased to have you before us. We will introduce your statement into the record, without objection, at this time, and that will allow you to make your own comments.

[The prepared statement of Hon. James J. Blanchard follows:]

STATEMENT OF HON. JAMES J. BLANCHARD, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN

Mr. Chairman, members of the Subcommittee on Crime, I appreciate this opportunity to come before you and testify on behalf of H.R. 11251, the Local and State Government Speedy Trial Act. I take this opportunity also to bring to the attention of the subcommittee the pressing need for increased focus and increased funding directed at improving State and local court systems.

Mr. Chairman, there has been a lot of talk about crime in and out of Government for many years now. Needless to say, rhetoric has not solved our problems.

The increase in the rate of crime has been staggering. Former D.C. Police Chief Jerry Wilson recently indicated that between 1960–74 the crime rate has increased approximately 157 percent. According to an article by Richard Cohen, the crime rate increased by 17 percent in 1974. In the first 6 months of 1975, crime increased 13 percent according to the Uniform Crime Report.

Both the Congress and the administration have generally agreed that crime is essentially a local problem, yet there has been no intensive effort to remedy this problem. Richard Velde recently stated that the volume of crime at the Federal level is roughly equal to the volume of crime in a medium sized State. Stated another way, the volume of crime at the Federal level is approximately one-quarter of the amount of crime in New York City or equal to the amount of crime committed in Los Angeles County. Although no figures were stated, this is a pretty good indication that States and local governments bear a large burden in the area of crime control.

However, up until now, the federal role in crime control has been basically limited to the federal machinery or to funding studies and pilot projects through the LEAA with regard to state and local governments.

I feel this is wrong.

While the federal budget totals approximately $394 billion, only $3.1 billion goes to crime control. This is less than one percent of the entire federal budget. I cannot see how this amount of funding represents a true commitment to crime control or law enforcement and I believe the public would be upset if they really understood how little is being put into crime control.

For example, a recent poll taken in my district indicated that 62 percent of the respondents felt personally threatened by crime. Furthermore, the results of a recent questionnaire I sent out also showed citizens concern about crime. Seventy-five percent of the respondents indicated they would like to see more tax dollars spent on crime control. It seems clear to me that we have a duty to reallocate resources to the state and local levels for law enforcement, crime control and improved court procedures.

The reason I have focused on speedy trials and clearing court congestion is because swiftness and certainty of punishment would be one of the major goals. That goal was proclaimed at the federal level in 1974 with the enactment of the Speedy Trial Act. The purpose of the Act is to assist in reducing crime and the danger of recidivism by requiring speedy trial and by strengthening the supervision over persons released pending trial.

Presently the LEAA indicates that no State plan is approved unless it establishes statewide priorities for the improvement and coordination of all aspects of law enforcement and criminal justice . . . and addresses improved court . . . programs and procedures. Yet I believe that state and local courts have been largely ignored and underfunded by LEAA.

During consideration on the Federal Speedy Trial Act, the Committee on the Judiciary noted in its report that the right to a speedy trial belongs not only to the defendant but to society as well. A defendant charged with a violation of the law becomes a burden to society creating a financial and administrative burden on the taxpayer. The Committee also noted, "Most significantly, the defendant may be a danger to the community in which he resides."

I believe that these principles hold true on state and local levels as well.

In addition, a National Bureau of Standards study, which was conducted during 1970 in the District of Columbia, indicated that the likelihood that a defendant on pretrial release will commit another crime increases if he is not brought to trial within 60 days.

The National Advisory Commission on Criminal Justice Standards and Goals has also concluded that faster and efficient criminal processing would increase the deterrent effect of the criminal law, ease the task of rehabilitation and reduce crime.

A Report of the Special Study Team on LEAA Support of the State Courts also supported the fact that we need to improve our courts and indicated that courts have the lowest level of participation in the LEAA support program.

I believe we should use the speedy trial concept as a vehicle or as a first step in making a major commitment at the state and local levels.

Basically, my proposed bill would establish a categorical grant program for court improvements under the LEAA program. States and units of local governments with populations of over 250,000 would be able to receive funds to study, design, test and implement Speedy Trial procedures. Grants are also provided for the development of comprehensive plans for the improvement of criminal justice administration. This bill would amend the authorizing legislation by specifying that an amount at least equal to 10% of the Part C funds be allocated for court improvements.

I want to state emphatically that my proposal is offered under the assumption that we will substantially increase the amount of funding available to states and local governments through LEAA. If this kind of a major commitment to crime control is made, this bill would not limit the effectiveness of LEAA or its current programs. This bill was also introduced with the idea in mind that we might consider an ongoing role for LEAA. Basically, LEAA funds only studies and projects. I feel we should seriously consider broadening and expanding its scope, not only with regard to evaluation and communication of the results of its studies, but with regard to grants for other areas of enforcement and reform such as the one covered by this bill.

Perhaps, as the members of this subcommittee study this bill, they will find that this is not the vehicle or mechanism to use. I am hopeful, in any event, that they will consider not only the mechanism but the whole philosophy of making a major allocation of federal money to crime control.

We need to put our money where the problem is. Otherwise we will have no way of knowing whether we can solve it. Finally, I believe that if we make a major commitment, it would begin to help restore public confidence in our willingness and our commitment, here in Congress, to help fight crime.

Thank you.

TESTIMONY OF HON. JAMES J. BLANCHARD, A REPRESENTATIVE IN CONGRESS FROM THE 18TH CONGRESSIONAL DISTRICT OF THE STATE OF MICHIGAN

Mr. BLANCHARD. Thank you very much.

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to testify.

Since you have admitted my statement into the record, I will attempt to briefly highlight it so that if you have questions and comments you can deal with them.

My bill, H.R. 11251, is, as I understand it, one of a number of bills which would amend the LEAA process, the Omnibus Crime Control Act.

I want to also make a plea that I think we in Congress ought to increase the amount of money, perhaps dramatically, that could be directed to State and local governments for crime control.

We have been sitting in Congress and hearing everyone talk about crime. I do not have to elaborate on the statistics of the increase in crime. I suppose we could debate the causes for it, but I think what has been clear, at least from my point of view as a private citizen and

now as a Member of Congress, and as a former assistant attorney general in Michigan, is that it has been the general assumption on the part of the President and Congress and, I think, all of us, that crime is essentially a local problem, and that the Federal Government has no real role in lending a hand locally.

I think LEAA has essentially followed that pattern, at least in the Michigan experience. Most of the LEAA moneys have been directed at studies, pilot projects, usually, well almost entirely, studies which could be described as innovative, but once the studies were completed or the pilot projects terminated, there was no ongoing role of Federal help in crime control. I am suggesting that it is the wrong approach, and we ought to look at it differently.

In just looking briefly at the proposed budget of the President this year, which would add up to $394 billion, less than 1 percent or only $3.1 billion is directed toward crime control. As I recall, about half of that is directed to the Federal machinery; the other half would go through the LEAA.

Just in examining the attitudes toward crime, and the priorities that the people place on crime control in my district alone, which happens to be in Michigan, and which is distinctly different than yours, Mr. Chairman, as you know, I have found——

Mr. CONYERS. Yes, the rate of crime is increasing faster in your district than in mine.

Mr. BLANCHARD. It could well be because the beginning rate as you understand, was very low. But no one is immune from crime, not Members of Congress and not suburban Members of Congress.

What I have found, though, is in a recent scientific sample. For example, in my district, which, by the way is about 99 percent white and all suburban, was that, in answer to the question, agree or disagree, "I feel personally threatened by crime," 62 percent of the people agreed with that statement, which was quite surprising to me because that is a fairly hard statement. In a recent questionnaire that I sent out which, of course, was not a scientific sample, but, I think is indicative of public opinion, 75 percent of the respondents indicated they would like to see more Federal tax dollars directed toward crime control. That is really an impressive figure, considering the fact that most people do not want to see more Federal tax dollars spent for anything.

In the area of energy sources and crime control the results were very high and 75 percent felt that we ought to spend more on crime control and through the Federal budget. I think that we could argue all day about what effect LEAA has had on crime, and I frankly am not an expert on LEAA. I have heard all the horror stories, and we have seen them in Michigan. I think we could argue all day long as to whether money will help solve the crime problem.

My conclusion, however, is this, and that is from perhaps the point of view of one who has not been directly involved in the legislation: We have never really made any kind of financial commitment to crime control here at the Federal level upon which we could adequately evaluate. Studies, training programs, scattered with small amounts of dollars through the 50 States, all of which add up to one-half of 1 percent of the Federal budget, is not enough of an amount or commitment, I think, to make any kind of serious evaluation. I happen to

think that we ought to seriously consider, and I offer my bill as a vehicle to do that—seriously consider making a major financial commitment to State and local units of government, with Federal dollars. I tender my bill, H.R. 11251, based on the assumption that we in Congress will begin to make a major commitment of allocated dollars toward crime control for justice, and that we will do so in channeling the money to States and local units of government. I focused on a speedy trial concept for a couple of reasons. Just about everything I have ever read or seen or heard, whether it is from local people who have studied crime or even the police suggests that the swiftness of justice, celerity, can do as much or more in creating a deterrent atmosphere than the severity of punishment or rhetoric.

In addition, this Congress, within the last couple of years, stated the goal of a speedy trial in the Speedy Trial Act, so I selected the vehicle of trying to encourage States and local units of government to adopt their own version of the Speedy Trial Act as a way to fund money through the LEAA to States and major municipalities.

I will not get into some of the studies on speeding up the trial process. They are in my statement, but I should point out that a recent special study team for LEAA which was privately made, did conclude that, under LEAA funding, courts have had the lowest level of priority and which many have suggested be correct.

Now, Attorney General Levi, in his recent testimony in the Senate, has suggested the courts should become increasingly a priority but he did not have any specific proposals. I am suggesting that all of you who are going to look at a number of bills and have perhaps a longer view on the functioning of LEAA, should at least consider using the speedy trial concept as a vehicle in the first step in making a major commitment to State and local levels.

I want to mention emphatically that I make the assumption we will increase our commitment. I do not want to get bogged down with the debate over categorical block grants, but I think that in Michigan, in talking with local police chiefs and hearing a debate over LEAA grants, an awful lot of the LEAA money has been directed toward information gathering, for a lot of fancy equipment which I am sure helps. I have never really seen any Federal money used to simply hire more prosecutors or more judges or undercover narcotics agents or, I suppose, better prisons, although I known that correction has now become a priority recently with the LEAA. I am not sure some of the very basic ingredients of law enforcement are not where we ought to put our money.

Essentially, I think we ought to put our money where the problem is, and that is at the local level.

I would not suggest we run a national police force, but I do suggest that, in view of the fact that revenue sharing targeted law enforcement as one of its objects, you will find that revenue sharing money is not generally used that way. So I think the Congress ought to consider earmarking or creating categorical programs to channel Federal money to local areas, and I think that when we begin to make a major commitment here it will help restore public confidence in our willingness and the Government's willingness to fight crime.

That is about all I have.

If you have some questions or comments, I would be happy to respond, in particular, about the bill.

Mr. CONYERS. Mr. Ashbrook?

Mr. ASHBROOK. Yes, I appreciate your testimony.

You have a very reasoned approach, particularly on the basis of your experience. You did say two things which I suppose leave us to fill in the lines. First of all you indicated we ought to increase dramatically the amount of money we are now spending in revenue sharing or LEAA at the local level. You said we needed to make, what you termed, a major financial commitment. I suppose the implication there is that we are not making a major financial commitment at the present time.

Your statistics on the percentage that is going into fighting crime at the local level in the budget seem to bear that out. What figures would you fill in as meeting a dramatic increase or a major financial commitment, and basically, where would we take it from? In the budget, I am sure, you are not advocating more taxes.

Mr. BLANCHARD. I do not have a top dollar figure, and that is not to say that you gentlemen have not been making a commitment before. But the commitment initially was zero, essentially of Federal aid to crime control at the local level. So I would suggest substantially more, but I would think—I would have to leave it to people like yourself, who are going to examine just exactly how it is going to be spent, to make that decision.

Again, I am not going to make the assumption that just because we spend the money means that it is going to be well directed. That is why while the block grant concept has great appeal to people like myself, and I know local units of government, it can end up just to be one big kind of slosh barrel of money to use any way you want.

I think the Congress had decided—I think we have—that speeding up trials does two things. It would be a deterrent to crime and also offer a defendant his right or her right to swift justice. Then I think that has, you know, that is a priority. But I think it depends on the programs. I am not sure LEAA, by the way, is the necessary vehicle either.

I selected it simply because it was the only real agency going at this time at the Federal level that was providing money to State and local units of government for crime. I am not suggesting that we have to keep it just the way it is.

Mr. ASHBROOK. One thing that impressed me about your testimony—you have what very few people have—some specific recommendations. I guess when I observe LEAA—and they seem to be proud of having 85,000 projects—for God's sakes, I do not know. How can you even keep track of 85,000 projects, file them, let alone know what was accomplished? If you did two or three things, like you talked about, we would probably be better off in the long run, than presiding over something as extensive as that.

You pinpointed—and that is the only other question that I would ask you to further expand on—the concept of more money for prosecutors, more money for courts. I think that here clearly is an area where we do have reason for delay and we read all the articles and I read Murphy's article in New York about what he said—90,000 felony arrests reduces to 1,500 that even go to trial. And the 1,500

reduces to several hundred that are even completed, largely because of fees, largely because of negotiation, the desire to not even go in through that maze, that is the courtroom. Possibly that is one cause of crime.

And you came forward with the specific recommendation that I thought was most interesting. Would you like to expand on that? I think, as one member of this committee, specifics like that makes a lot more sense than all this general falderal we talk about of 85,000 projects and several billion dollars worth of money.

Mr. BLANCHARD. Well, specific comments on exactly what, Mr. Ashbrook?

Mr. ASHBROOK. Well, you say you were an assistant attorney general—the degree to which we could improve the criminal justice system by channeling money into, one, prosecutors I think you said, and courts.

Mr. BLANCHARD. Yes. Well from my experience, I tried quite a number of cases which were quasi-criminal in nature. They were really white-collar crime—because, as you may know, the local prosecutors do the ordinary street crimes. But even in the area of white-collar crime where we were less backlogged than in street crime, it was months before we ever brought something to trial. And contrary to the public notion, I did not see what I thought were many judges who were just sitting around.

It just seemed forever to bring a case to trial but I think it varies from State to State and locality to locality. I have a feeling if we could get accurate figures on backlogs in courts, particularly in major urban areas, it would be very surprising. The target of the Federal Speedy Trial Act as you may know, is something like 90 days from the time of arrest to commencement of trial, which is about half of what, I think in the District of Columbia courts, it was estimated, was reality when the act was passed. That is why I focused some of this, by the way, to major municipalities because I am led to believe, and the figures I have looked at suggest, that that is where the major amounts of crime are and that is where the big backlogs occur.

Mr. ASHBROOK. Thank you, Mr. Blanchard. I found your testimony quite interesting.

Mr. BLANCHARD. Thank you, very much.

Mr. CONYERS. Mr. Mann?

Mr. MANN. Yes. I add my appreciation to that already expressed for your initiative in bringing this before us. And I think you made a correct observation that the influence of LEAA funds to date on the possible erosion of local law enforcement, vis-a-vis a Federal police force, has not occurred. And I can certainly agree that the State and local court system in this country is archaic and we have failed to tax ourselves locally to improve the administration of justice in the process.

The catalytic effect of LEAA funds going into police forces, not in personnel, but into equipment and research, demonstration projects, and the like has been remarkable in that there have been great increases in tooling up and professionalization of law enforcement agencies, but without a direct participation by the Federal Government in the employment of more police officers.

And I wonder if it is possible to design a formula that would be—to furnish assistance to State and local courts, that would have two

possible effects: One, the usual development of dependency upon the Federal funds for the continuation of the program and the compromises that that produces; and second, the establishment of criteria for the granting of the funds in the first place.

We have avoided that in LEAA because we have not put any funds directly into salaries or operations. At least that is my impression.

I wonder if there is not some way—and I agree with you that block grants are not always used exactly as we think they are going to be used—but if there is not some way that through demonstration projects, planning, grants—for example, in South Carolina on this date, a very major effort of court reform is being attempted, court administrators and—there is a national conference of court administrators and one of its first conferences will be in the next 2 or 3 months and I am supposed to encourage the chairman to set up a speaking engagement at that meeting since my state director is in charge of the program.

But I am wondering if we are not getting in a little bit of deep water when we talk about the actual employment or supplemental salaries for the beefing up of forces with the direct categorical type Federal funds.

Mr. BLANCHARD. Well, I think that is a very good question. My bill does not deal with that. But in responding to Mr. Ashbrook, I indicated my sympathy toward that, especially, I suppose in view of the current situation in many major cities where there have been layoffs of police and firemen. The whole question of dependence is one I have not been able to resolve, even in my mind.

I would assume that it is true that if we were to begin to pump large amounts of money, let us say we tripled it this year and pumped it into States and major municipalities, I would have to assume they are going to come to rely on it.

But I am not convinced that would not be good. Everybody pays Federal taxes. It is the largest tab they pay in taxes, and as I said, and of course figures can be manipulated, but the fact is that if you take all the line items in the budget, less than 1 percent goes to crime control. I think the people would expect that far more should be spent for crime control. And I am not sure that we should not fund it.

Now it obviously has to be done in a way which would not impose perhaps some standardized version of how you have good law enforcement on everybody without at least knowing it would work. But I am just—I just think some of the assumptions that have been made should be reevaluated on the use of our funds.

It was stated recently, I think it was Richard Velde, but it may have been Henry Ruth, at a recent Library of Congress crime seminar, that if you take all the Federal machinery that we directly oversee—that receives half of our money—the volume of crime is equivalent to only one-quarter of the volume of crime in New York City and about equal to that of Los Angeles. Essentially the Congress has recognized and the President has recognized that crime is overwhelmingly a State and local problem; and in acknowledging that, we have failed to say that there might be a Federal duty to direct large sums of money where the problem is, to help solve it.

It would create some dependence perhaps, but I am not sure that is bad. I think people—I think the people would expect us to play that role and that it probably should be ongoing; just as they expect

us to provide for a strong national defense. They may argue over what level it is, and they do.

And I view making an effort at crime control ultimately not only beneficial to society, but to people who are accused who might be innocent, too, as really a national security measure on its own.

Mr. MANN. Well, I certainly agree that it is a problem that we must attack and that the State and local government is where the action is. And the Federal funds can be applied, two or three times what we are applying right now, and still not get involved into the operational payroll aspects of courts.

If LEAA now, or could be made to develop an adequate program of exchange of information, and that almost says it, exchange of information and the promotion of demonstration projects designed to produce innovative or valid information on practices and procedures and successes and failures. We could spend twice as much as we are doing right now and still not have enough to do that job adequately.

And I agree with you that more of those funds—but within the somewhat philosophical limitations that I am setting for myself here—that more of those funds could be directed toward that portion of the system that we call courts and prosecution. And so I think that your idea, as you have indicated, is one that we are beginning to recognize. And again, we appreciate your having come to us today.

Mr. BLANCHARD. Thank you.

I want to mention one thing in reaction to what you are saying. In sitting in on meetings when LEAA grants are being considered, I was never part of a State planning agency which made the decision. But I was in on debates over how, particularly, the money was going to get there, as to who we were competing with. And then in talking with several local police chiefs who I happen to respect in my area, I had to conclude—and it may have changed since, this was a couple of years ago—but I have concluded that an awful lot of local units of government dreamed up new, fancy acronyms for projects they should have been doing for years like collecting data—you know, having decent filing systems, radio systems, and they were able to get LEAA grants; cities which had done a good job in law enforcement and either did not want to bother to dream up a new fancy name for the same thing they had been doing could not get any money.

There was a lot of resentment and maybe Michigan is an exception. I do not know. But I think it would be very wise, certainly it would be constructive to me, and perhaps you have already done it, but I think it would be very wise and helpful to you to look at all those grants and see what they really went for. I know you have done that before.

Mr. ASHBROOK. All 85,000?

Mr. BLANCHARD. Well, I am sure that somebody could categorize them for you so that you could review them. But I think it would be interesting to see how much—like data collection. You know, we might find one of the reasons for the increase in the crime rates, as some have argued, is because we have better reporting systems.

But I think I have a feeling that all of—regardless of your philosophies or attitudes on crime control—will conclude that not enough went to the areas that all of you conclude it should have gone, and

not to the basics. A lot of exotic sounding new programs; but I question whether they were ever continued after the grant ran out because those grants do run out.

I question whether they were continued and whether they were not used as a vehicle to pick up some hardware that they would have after the grant had expired.

Mr. CONYERS. Thank you, Mr. Blanchard.

Mr. BLANCHARD. Thank you for your patience and time.

Mr. CONYERS. You have accredited yourself with distinction.

Our next witness is attorney Sarah C. Carey, who 3 years ago testified before subcommittee No. 5 of the Judicial Committee on this very same subject. She has written, analyzed, and discussed this subject extensively. We are happy that she is still an expert in this field. She is accompanied by Leda R. Judd, who with her has put together the testimony which is before the committee, and without objection, will be introduced into the record at this point.

And we know that Ms. Carey has a great deal to say on this subject. She has heard previous witnesses, and we welcome her for her presentation and observation.

[The prepared statement of Sarah C. Carey and Leda R. Judd follows:]

STATEMENT OF SARAH C. CAREY AND LEDA R. JUDD

(1) According to the Congressional statement of purpose, the LEAA program was intended "to reduce and prevent crime and juvenile delinquency and to insure the greater safety of the people." (Title II, Omnibus Crime and Safe Streets Act of 1968). Since the inception of the program, Congress has appropriated more than $4.4 billion for that purpose. At the same time, 1969–1974, the overall national expenditure for criminal justice agencies has doubled, from $7.3 billion to almost $14 billion. (Public law enforcement expenditures multiplied eight times, from less than $1 billion to $8.6 billion.)[1] The growth in national expenditure has in large part been stimulated by "the river of gold aimed at local law enforcement from the Justice Department," as the city manager of Cincinnati described it.

(2) The mandate of the LEAA program to reduce crime has not been met. Crime in 1975 is a far greater problem than it was when the Safe Streets Act was passed. Not only is the overall rate of crime increasing but the amount of crime in proportion to the population is increasing. Specifically, serious crimes increased from 655,061 to 969,823 between 1969 and 1974 (48% rise), while the total crime rate increased from 2,471 per 100,000 to 4,821 per 100,000 inhabitants (95% increase).[2]

(3) Equally important, LEAA does not today, after seven years of experience in research and action grants, have any idea of how to prevent or reduce crime. The Attorney General has said that the answer to crime is "changing the attitude of the American public." Gerald Caplan, head of LEAA's Institute for Law Enforcement and Criminal Justice puts it this way: "What can be said about our crime reduction capacity? Not much that is encouraging. We have learned little about reducing the incidence of crime, and have no reason to believe that significant reductions will be secured in the near future." (July, 1975 before House Subcommittee on Science and Technology.)

(4) In short, the LEAA program should not be regarded as a crime reduction program. What then are the agency's purpose and accomplishments? The statute states three purposes:

> to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen

[1] This does not include expenditures for private security, which reached $3 billion in 1975, with more than 415,000 individuals employed as private security personnel.

[2] During the same period violent crimes increased 41 percent, from 324 to 458 per 100,000 inhabitants.

law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals. As is more fully set forth below, these purposes—with the exception, in part, of No. 2—have not been fulfilled.

The primary achievement of the program has been to supplement state and local budgets in order to meet outstanding needs of the agencies that comprise the criminal justice system, through the addition of staff and equipment. The LEAA program has been, and is today, a simple fiscal relief program for the criminal justice system. To some extent, this has undoubtedly "strengthened" (or at least enlarged) the system.

(5) Planning. Title II mandates the establishment of state planning agencies (SPA's) in each state, as well as the pass-through of funds to localities to develop their own plans. Receipt of block grants is conditioned on the submission to LEAA of a comprehensive state plan. Section 3733 provided detailed requirements for inclusion in the plan. Despite these detailed requirements, with a few exceptions, planning at the state and city level consists of the parroting of sample or suggested programs listed in various LEAA manuals and guidebooks and the listing of projects to be supported in the forthcoming year. As Dr. Alfred Blumstein, an expert in criminal justice planning and a close observer of LEAA, put it:

> [T]he state planning agencies typically engage in writing the report that will appease the Feds rather than engaging in a process that we would call planning in the sense of considering alternative uses of the money, considering the impacts on the other parts of the criminal justice system or on crime of alternative uses of this money, of getting a capability to anticipate the consequences of alternative actions that are being considered. This is necessary for the money to be wisely used and effectively used. (Subcommittee on Science and Technology, July, 1975, p. 22)

The state planning agencies remain artificial superstructures created by the federal government that are not accountable to state elected officials and that do not influence state legislative policy in any significant fashion.[3] They have no effect on overall criminal justice expenditures for the state or even on the states' total *federal* grants available for criminal justice purposes.[4] Instead, they only "plan" for the roughly 5% of each state's budget that the LEAA Funds represent. One critic has commented that the entire LEAA mandated planning apparatus is inappropriately complex, given the actual impact of the funds on states and local budgets.

Most of the planning agencies lack the capacity to collect and analyze the relevant expenditure data and crime statistics to engage in actual planning. Nor are they able to relate evaluation and other program data to policy decisions concerning criminal justice expenditures. The net gain from the $200,000 to nearly $5 million federal expenditure per state in planning may be simply that the representatives of the component agencies of the criminal justice system and the state staff are "sitting down in the same room." (Sixth Annual Report LEAA, p. 5)

And this is despite the fact that LEAA today has sufficient experience and expertise to define the basic elements of sound planning. The agency remains unwilling to impose these elements as mandatory requirements on the SPA's and to reject plans that do not conform with them.

(6) National Programs. LEAA administers a number of national level programs directed toward the third purpose of the program (i.e., research and development to improve law enforcement and criminal justice and the development of new methods to prevent and reduce crime). These include the research institute, the discretionary programs, and the information and statistics program.

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[3] As we pointed out in "Law and Disorder III", this is a serious lack, because most basic changes in the criminal justice system can be achieved only through legislative reform. Many model projects that prove effective require legislative enactment for institutionalization.

[4] A wide variety of federal agencies make grants available to state and/or local governments for anti-crime purposes. These include HEW's National Institute on Alcohol Abuse and Alcoholism; HEW's National Institute on Drug Abuse; HEW's National Institute of Mental Health; HEW's Office on Youth Development; OEO s youth programs (recently transferred to HEW); DOL's Comprehensive Employment and Training Program; HUD's Housing and Community Development Program (recently reorganized as the Community Development Program); the National Highway Traffic Safety Administration; the Social Security Administration (Title IV assistance to needy childre .). Despite the fact that cabinet level coordinating committees have been created to discuss coordination of these programs, not one SPA and not one crime analysis team in the High Impact cities could provide the total federal investment in crime programs within their jurisdictions.

The National Institute for Law Enforcement and Criminal Justice ("NILECJ") in seven years of operation has yet to gain a position of influence within the overall LEAA program. Like the state planning agencies, the Institute lacks the capacity for relating the data produced by the research it generates to LEAA or national policy determinations. Despite recent efforts at "technology transfer" and the dissemination of research information, the work of the Institute is largely unknown (or else ignored) in the field. The Institute has never developed a research agenda and only recently contracted with the National Academy of Sciences to have such an agenda developed for it (with a grant of $267,000). It has few answers to the crime problem and does not appear in a position to even ask the right questions at this point in time. It lacks in-house research capabilities and runs its programs through contracts with outside establishments that its staff is incapable of evaluating. A researcher at the Institute summed up its achievement this way: "It has generated lots of reports but no knowledge." Finally, the Institute has failed to create or stimulate the creation of national resource centers of criminal justice expertise.[5]

The discretionary grant program (totalling more than $350 million to date) has been similarly disappointing, reflecting faddism and an inability to stick with programs once conceived. Each new LEAA administrator—in addition to redefining the overall goals of the program—has established new projects for the use of discretionary funds. The $30 million eight-city Pilot Cities program launched in 1970 was cut short to make way for the $160 million, eight-city High Impact program. The latter duplicated the same mistakes made in the first effort, and added more. The major criticisms of High Impact in Cleveland are representative of criticisms generally:

> High Impact tried to do too much too fast, with little in results to show for the grandiose claims of planning and accomplishment; in the short four months allowed for planning, no foundation could be laid for the immense expenditures undertaken; there was a lack of federal leadership and guidelines; no citizen input went into project development; too large a part of the funds went to police activities; concentrating on City of Cleveland agencies apart from the rest of the surrounding county areas was unrealistic; no effective evaluation of the projects has been undertaken; there was little coordination with CJCC (Cleveland Justice Coordinating Committee) projects; funds may often have been spent other than according to plan; and the problems of continuation of projects following termination of the program was intensified not only because of the massive amount of short-term funding, but also because a substantial portion of the funding was channeled into saturation policing and police auxiliaries. (Federal Funding for Law Enforcement and Criminal Justice in Cleveland Cuyahoga County, by Robert F. Doolittle, Esq., September, 1975.)

Typical example of the problems raised by the Impact program include the following:

> In Dallas the stated goals of the Impact Program were to reduce crime and improve the capability of the criminal justice system. After three years and $19 million (60% of it going to the police), the incoming Dallas police chief issued a statement calling for the "strengthening of the criminal justice system and the improving of system co-ordination" [D.A. Byrd, Proposals for Improving the Criminal Justice System, January 14, 1976].
>
> A goal of the High Impact Program was the permanent institutionalization of Impact projects by the cities' criminal justice system. In Cleveland, 70% of the Impact projects will be continued—but with other federal funds, not with state or local expenditures.
>
> St. Louis spent more than $3 million on a foot patrol project—paying approximately 100 policemen overtime to patrol high crime areas. The city's evaluation of the program concluded "measurable crime reduction due to foot patrol has occurred only in isolated cases when compared to city-wide trends . . . Crime appears to have been displaced to the unpatrolled hours in the experimental areas."

Without having digested the failings of High Impact, LEAA now has a "major cities" program on the drawing boards, for which it is seeking a $212 million line item appropriation.

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[5] In late 1975, the Institute funded long-term "free grants" to four institutions (Yale University, Northwestern University's Urban Center, the Rand Corporation and Stanford's University's Hoover Institute) to enable them to develop independent research capabilities.

Other discretionary programs have been similarly short-lived with little enduring impact on program priorities. These include the citizen's initiative effort (a special office was set up in LEAA for these programs in 1973; it was disbanded two years later); the career criminals project (a much touted new approach to expert criminals that consists simply of additional grants to prosecutors)—and others.

The LEEP program has funded hosts of educational institutions without applying rigorous standards; most of these programs would disappear if the LEAA funding were terminated tomorrow. Little effort has been made to establish centers of excellence or to make certain that the course offerings reflect the changing criminal justice job market or the demands of each segment of that market. In the fiscal years 1972–1975, the State of Ohio alone received more than $5.29 million for programs in 32 schools ranging from $672,000 to Kent State University to $6,000 for Jefferson County Technical Institute in Stubenville, Ohio. A recent article in *Police Chief* magazine lamented the extremely poor quality of criminal justice courses and described the criteria for the criminal justice curricula supported by LEEP as "sub-basements" rather than floors (Gordon Misner, "Accreditation of Criminal Justice Education Programs," *Police Chief,* August, 1975).

(7) In short, the LEAA program is not reducing crime and the federal apparatus created to administer the program has not provided leadership to the states in terms of research or methodology for preventing crime or introducing major innovations into the criminal justice system. The federal administrators have, however, succeeded in creating an expensive and cumbersome bureaucracy that tires the patience of even the most fortunate grantees. The negative aspects of national bureaucracy have been created without the positive elements of leadership. Despite these limitations, some of the states have been fortunate enough to have some local and state level leaders who have designed and administered innovative programs; some of these have ultimately been incorporated as an on-going part of state government (more often they have been supported by other federal grants). However, the returns have not been worth the investment. The program should not be continued in its present form.

(8) *Conclusions and Recommendations.* In 1967, the President's Commission on Law Enforcement and the Administration of Justice noted that, "There's probably no subject of comparable concern to which the nation is devoting so many resources and so much effort with so little knowledge of what it is doing."

In 1975, the governor of a major state commented, "I'm not satisfied that this program [the LEAA program] serves the public interest. I'm going to very seriously consider returning the money to the federal government to help them fund their $80 billion deficit that they tell me will be created in the next fiscal year, because I find it rather strange that this country can afford to spend money it doesn't have on projects that no one can understand." (Governor Jerry Brown, Calif.)

At a time when key LEAA officials admit that they have no knowledge of how to prevent crime and when national experts are suggesting that there is little that government can do to control criminal behavior, LEAA continues to funnel billions of dollars into state and local agencies that comprise the criminal justice system. Those experts who feel that "something can be done to stop crime," including some of LEAA's own researchers and program administrators, are suggesting that our efforts should be directed towards building new kinds of communities. They are admitting that crime prevention is largely the purview of agencies that deal with people *prior* to their contact with the criminal justice system; criminal justice agencies deal with the individual after the fact, that is, after a crime has been committed. Given these conclusions, and in light of the experience of the LEAA program during the past seven years, the following recommendations should be considered.

(1) The nation continues to need a high level research resource to examine the causes of criminal behavior, ways of protecting society from that behavior, and ways of reducing the incidence of such behavior. The National Institute of Law Enforcement and Criminal Justice has not performed this function. A new, substantially funded, research center should be established, under the governance of a private board of presidential appointees. The new center should become a major source of policy-relevant data for all government officials who must deal with the problems of crime, whether in the state legislature, in the criminal justice agencies or in other agencies that impact upon crime. The center should prepare and publish a national agenda for research related to crime on an annual basis.

In addition to its agenda, it should publish its research findings, and should suggest policy questions raised and/or supported by the findings.

A significant segment of the center's work should be examining the way other social service programs in the fields of education, health, community development, etc., can be designed or redirected to more effectively prevent crime. Criminal justice administrators repeatedly designate as successful crime prevention or rehabilitation programs, programs that rely heavily on other disciplines. They point to juvenile delinquency programs that rely on educational diagnostic tools for the correction of learning disabilities; to community health programs that correct sight and hearing deficiencies that prevent children from learning and effectively performing in school; to job training and placement programs that give individuals who are outcasts from society the opportunity to perform effectively; to architectural and design programs that construct housing and public buildings in a fashion that makes them less vulnerable to predatory crime. The Nation should reap the benefit of these lessons not by having a criminal justice funding program that reaches out into the fields of architecture, education and health, but by impacting the traditional institutional programs in these fields in such a manner as to incorporate the lessons learned through crime prevention research.

(2) The Nation needs to have an effective measurement of the volume and kinds of crime that are occurring throughout the land. Accurate data on crimes, criminal offenders and victims is essential to effective planning to deal with problems in each of those areas. The Uniform Crime Reports issued by the Federal Bureau of Investigation are highly subject to political manipulation. The LEAA victimization surveys (another method of measuring crime) are at present imperfectly designed and similarly subject to politicization. These measurement efforts are important to citizens, law enforcement officials and policymakers alike. To improve upon them and to insure their political integrity a Bureau of Criminal Justice Statistics should be established similar to the Bureau of Labor Statistics that, working jointly with the Census Bureau in a nonpolitical atmosphere, will produce accurate, reliable reports on the Nation's crime problem. This bureau could be a part of the center recommended in paragraph (1) or a division of the Justice Department. The key element is that it be structured in such a manner as to insulate it from manipulation.

(3) Congress must clarify the purpose of Title II of the Safe Streets Act to determine if it is primarily intended to reduce crime, to improve the criminal justice system, or to provide fiscal relief to financially strapped localities. To the extent that the funds currently appropriated under Title II are viewed as general support funds to aid the states and localities in the maintenance of their criminal justice agencies, these funds should continue to flow, but through the general revenue sharing mechanisms. This would insure accountability for fund expenditure on the part of local elected officials. Any decision to continue general support funding, however, should not be made until evidence is supplied by the Justice Department that the Nation's criminal justice agencies continue to have basic unmet material needs that can best be met with federal funds. This will require a showing that the billions of dollars spent to date have not filled the gap that existed in 1969 when the LEAA program was first launched.

If, on the other hand, the Congress does not feel that a general relief measure is required, and that federal assistance is appropriate only to the extent that it purchases innovative program reforms and a policy-relevant planning capability, the LEAA grant program itself should be greatly reduced and viewed primarily as a discretionary fund to support approaches and projects that the newly formed research center has proven to be effective, or that the states and localities themselves have developed and shown to be innovative.

(4) To the extent that the Congress determines that an entity is required at the state level to receive federal funds, the current state planning agency apparatus should be dismantled, and instead each state should be allowed to select its own conduit for funding, which must be made an integral part of state government. This, in all likelihood, will lead to the incorporation of SPA type activities into the State Department of Justice or similar cabinet level office. The SPAs, as they currently exist, are artificial, federally-created entities that are not an integral part of state government and hence have no impact on overall state policymaking in regard to the criminal justice system. They are already manifesting a characteristic similar to that of other agencies created by the federal government—telling the state government that they must answer only to the feds and telling the feds that they are responsible to state government.

(5) To the extent that planning is maintained as a prerequisite of discretionary grants, or a block grant program should the present approach be continued, the

enabling legislation should spell out the minimum elements to be included in a state plan. LEAA through a broad-range of grants has given substantial levels of funding to state planning agencies, to crime analysis teams in cities and to statistical analysis committess throughout the country to develop state planning data for crime analysis and criminal justice planning. Yet, to date, despite the many lessons that it learned through these grants and the requirement that planners include certain minimal categories of data in their plans, the plans are essentially useless in terms of affecting budgeting or other action decisions. Instead of local initiative, the states tend to rely heavily on the "cookbooks" and "shopping lists" designed by LEAA. The time has come for either the Congress, through legislation, or LEAA, through regulations approved by Congress, to spell out the basic elements required for effective planning. If this is not done, the taxpayer will continue to lose millions of dollars per year on paper volumes that are read by thousands of people and have little relevance to actual expenditures.

(6) If Congress decides to renew the LEAA legislation, maintaining the program in its present form, we recommend that the renewal be for a period of one year only, during which period the Congress should conduct intensive oversight of the program and a review of national policy pertaining to crime. The program has not been subject to such scrutiny for several years and, as presently administered, it is extremely difficult to determine exactly where all the money has gone, much less what the expenditure has accomplished.

(7) Finally, we recommend that the Congress, in this or in separate legislation, enact into law provisions for the compensation of the victims of crime. Although the LEAA program has produced little useful knowledge on the prevention or control of crime, it has generated important data on the victims of crime and the ways in which they could be compensated for their abuse. Similarly, the costs of such a program have been accurately estimated. There is no need to wait further for the enactment of victimization legislation.

STATEMENT OF SARAH C. CAREY AND LEDA R. JUDD, FOR THE CENTER FOR NATIONAL SECURITY STUDIES

INTRODUCTION

Thank you, Mr. Chairman, for the opportunity to testify before the Subcommittee. Our remarks are based on research undertaken in preparation of "Law and Disorder IV" the fourth in a series of privately funded reports on the performance of the Law Enforcement Assistance Administration ("LEAA"). We would like to note that we are one of the few witnesses that have not in the past and do not now receive LEAA funding.

At the outset, we would like to underscore our view that it is too late to simply tinker with minor adjustments in this program. The time has come for Congress to subject the program to rigorous scrutiny, to define its goals and to enact measures that will insure fulfillment of those goals. At present LEAA is unclear as to its mandate or how to accomplish it; consequently, it has wasted and continues to waste millions of dollars on programs that have little or no enduring effect.

To date, Congress has done little to correct the situation. The relationship between the legislature and LEAA can be analogized to the following dialogue between Alice and The Cat in *Alice in Wonderland*, with LEAA assuming the role of Alice and Congress that of the cat:

> Would you tell me please which way I ought to go from here? (Alice) That depends a good deal on where you want to get to, said the Cat. I don't much care where, said Alice. Then it doesn't matter which way you go, said the Cat.
>
> —So long as I get somewhere, Alice added, as an explanation.
>
> Oh, you're sure to do that said the Cat, if you only walk long enough.

(1) According to the Congressional statement of purpose, the LEAA program was intended "to reduce and prevent crime and juvenile delinquency and to insure the greater safety of the people." (Title I, Omnibus Crime and Safe Streets Act of 1968). Since the inception of the program, Congress has appropriated a total of more than $4.4 billion for that purpose. During the same period (1969–1974), the annual national expenditures for criminal justice agencies at all levels of government have doubled, from $7.3 billion annually to almost $14 billion

annually.[1] (Law enforcement expenditures multiplied eight times, from less than $1 billion annually to $8.6 billion annually).[2] The growth in national expenditures has in large part been stimulated by "the river of gold aimed at local law enforcement from the Justice Department," as the city manager of Cincinnati described it.

(2) The mandate of the LEAA program to reduce crime has not been met. Crime in 1975 is a far greater problem than it was when the Safe Streets Act was passed. Not only is the overall rate of crime increasing but the amount of crime in proportion to the population is increasing. Specifically, serious crimes increased from 655,061 to 969,823 between 1969 and 1974 (48% rise), while the total crime rate increased from 2,471 per 100,000 people to 4,821 per 100,000 inhabitants (95% increase).[3]

(3) Equally important, LEAA does not today, after seven years of experience in research and action grants, have any idea of how to prevent or reduce crime. The Attorney General has said that the answer to crime is "changing the attitude of the American public." Gerald Caplan, Head of LEAA's Institute for Law Enforcement and Criminal Justice puts it this way: "What can be said about our crime reduction capacity? Not much that is encouraging. We have learned little about reducing the incidence of crime, and have no reason to believe that significant reductions will be secured in the near future." (Testimony of July 18, 1975, p. 94 before the House Subcommittee on Science and Technology.)

(4) In short, the LEAA program should not be regarded as a crime reduction program. What then are the agency's purpose and accomplishments? Besides the underlying goal of reducing crime, the statute states three purposes:

> to (1) encourage States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement and criminal justice; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage research and development directed toward the improvement of law enforcement and criminal justice *and* the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.

As is more fully set forth below, these purposes—with the exception, in part, of No. 2—have not been fulfilled.

The primary achievement of the program has been to supplement state and local budgets in order to meet outstanding needs of the agencies that comprise the criminal justice system, through the addition of staff and equipment. The LEAA program has been, and is today, simply a fiscal relief program for the criminal justice system. To some extent, this has undoubtedly "strengthened" (or at least enlarged) the system.

(5) *Planning.* Title I mandates the establishment of state planning agencies (SPAs) in each state, as well as the pass-through of funds to localities to develop their own plans. Receipt of block grants is conditioned on the submission to LEAA of a comprehensive state plan. Since 1969, Congress has appropriated over $200 million to the SPAs. With few exceptions, planning at the state and city level consists of the parroting of sample or suggested programs listed in various LEAA manuals and guidebooks and the listing of projects to be supported in the forthcoming year. There is little or no relationship between the statistics defining the state's crime problem set forth in the beginning of the plan, and the projects listed for funding in the body of the plan. As Dr. Alfred Blumstein, an expert in criminal justice planning and a close observer of LEAA, put it:

> [T]he state planning agencies typically engage in writing the report that will appease the Feds rather than engaging in a process that we would call planning in the sense of considering alternative uses of the money, considering the impacts on the other parts of the criminal justice system or on crime of alternative uses of this money, of getting a capability to anticipate the consequences of alternative actions that are being considered. This is necessary for the money to be wisely used and effectively used. (Testimony before the House Subcommittee on Science and Technology, p. 22.)

In addition to the inadequacy of the plans, the SPAs remain artificial superstructures created by the federal government that are not accountable to state

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[1] Federal expenditures are roughly 17% of the total, slightly more than double the percentage that federal grants represent of the Nation's elementary and secondary school budget.

[2] This does not include expenditures for private security, which reached $8 billion in 1975, with more than 415,000 individuals employed as private security personnel.

[3] During the same period violent crimes increased 41%, from 324 to 458 per 100,000 inhabitants.

elected officials and that do not influence state legislative policy in any significant fashion. This is a serious lack and one that has been noted by the Advisory Commission on Intergovernmental Relations, the National Conference of State Legislatures and others. Many of the changes needed in the criminal justice system can be achieved only through state legislative reform. LEAA "reform" or model projects that prove effective usually require legislative enactment for institutionalization, whether through the modification of existing agencies or through the appropriations process. The isolation of the SPAs from the state legislatures explains the low level of state assumption of LEAA projects and the high level of LEAA "continuation" funding. Further, the SPAs have no effect on overall criminal justice expenditures for their states or even on the states' total *federal* grants available for criminal justice purposes.[4] Instead, they only "plan" for the roughly 5% of each state's criminal justice budget that the LEAA Funds represent. One critic has commented that the entire LEAA-mandated planning apparatus is inappropriately complex, given the actual impact of the plans on state and local budgets

(6) *National Programs.* LEAA administers a number of national level programs directed toward the third purpose of the program (i.e., research and development to improve law enforcement and criminal justice and the development of new methods to prevent and reduce crime). These include the research institute, the discretionary programs, and the information and statistics program.

The National Institute for Law Enforcement and Criminal Justice (*"NILECJ"*) in seven years of operation has yet to gain a position of influence within the overall LEAA program. Like the state planning agencies, the Institute lacks the capacity for relating the data produced by the research it generates to LEAA or national policy determinations. This means that in many instances the work product of research grants sits unread on the Institute shelves. Despite recent efforts at "technology transfer" and the dissemination of research information, the work of the Institute is largely unknown (or else ignored) in the field.

Typical of the Institute's failure to maximize its research efforts is the equipment systems improvement program (currently called Advance Development Technology Program) which is described in LEAA's Sixth Annual Report as "the most dramatic example of a focused approach" for improving the capabilities of law enforcement. Since 1972 the Institute has invested more than $20 million in a three-part program consisting of (1) an analysis of criminal justice equipment needs through field interviews and tests (this was to insure that the Institute's research efforts focused on the problems having the highest priority to the criminal justice community) that will meet actual needs; (2) development of equipment designs; and (3) evaluation and establishment of performance standards for the manufacture and use of equipment. The first part of the effort was assigned to the Mitre Corporation (through the Department of the Air Force as contracting agent); the second stage went to the Aerospace Corporation (also through the Air Force) and a third to the National Bureau of Standards.

The GAO recently reported [5] that the first part of the tri-partite program had to be dropped because the Institute made the mistake of commencing work on the development phase before the analysis group had any field sites functioning. This meant that there was no way that Aerospace could benefit from Mitre's analysis work; in fact, none of the problems identified by Mitre were selected for research efforts.

Other problems have plagued the program, seriously reducing its usefulness. Despite the more than $16 million spent by Aerospace, only two products developed for LEAA (bullet proof vest and portable radio system) are now on the market and these have not been fully tested. Further Aerospace has not yet determined whether the new products actually met the needs of the user com-

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[4] A wide variety of federal agencies make grants available to state and/or local governments for anti-crime purposes. These include HEW's National Institute on Alcohol Abuse and Alcoholism; HEW's National Institute on Drug Abuse; HEW's National Institute of Mental Health; HEW's Office on Youth Development; OEO's youth programs (recently transferred to HEW); DOL's Comprehensive Employment and Training Program; HUD's Housing and Community Development Program (recently reorganized as the Community Development program); the National Highway Traffic Safety Administration; the Social Security Administration (Title IV assistance to needy children). Despite the fact that Cabinet level coordinating committees have been created to discuss coordination of these programs, not one SPA canvassed and not one Crime Analysis Team in the High Impact cities could provide the total federal investment in crime programs within their jurisdictions.

[5] "The Program to Develop Improved Law Enforcement Equipment Needs to be Better Managed," GAO, Jan. 20, 1976.

munity. LEAA has no plans at present for marketing Aerospace-developed products, once fully tested.

The National Bureau of Standards ("NBS") has issued 31 standards against which law enforcement equipment should be assessed. Neither the NBS nor LEAA publishes data indicating the extent to which specific trademark products adhere to these standards.[6] This means that local police departments must test products themselves or have them tested in local laboratories. Since only a few departments in the country have their own testing facilities, the overwhelming majority of police purchasers must go to outside testing labs. To date, this has rarely been done. Supporters of the NBS program state that the impact is not intended to be on the purchaser but rather on the manufacturer. However, the Institute, favoring a policy of "coordination" with industry, has been unwilling to force acceptance of the standards by conditioning the expenditure of LEAA funds for equipment on compliance.[7] At this point in time, four years after the initiation of the technology development program, it is having minimum impact on either law enforcement users or equipment manufacturers.

The Institute has never developed a research agenda or a set of priorities for research. Only recently the Institute contracted with the National Academy of Sciences to assess its work to date and to develop an agenda for the future (with a grant of $267,000). It has few answers to the crime problem and does not appear in a position to even ask the right questions at this point in time. It lacks in-house research capabilities and runs its programs through contracts with outside establishments that its staff is incapable of evaluating. Additional contractors are frequently hired to assess the work of the original contractor.[8] A researcher at the Institute summed up its performance this way: "The Institute has generated lots of reports but no knowledge." Finally, besides the Institute's failure to develop sufficient expertise to itself serve as a major national resource on crime policies, it has similarly failed to create (or stimulate the creation of) regional resource centers of criminal justice expertise.[9]

The discretionary grant program (totalling more than $350 million to date) has been similarly disappointing, reflecting faddism, dissipation of funds and an inability to stick with programs once they are conceived. Each new LEAA administrator—in addition to redefining the overall goals of the program—has established new projects for the use of discretionary funds. The $30 million, eight-city Pilot Cities program launched in 1970 was cut short to make way for the $160 million, eight-city High Impact program. The latter duplicated the same mistakes made in the first effort,[10] and compounded them. The major criticisms of High Impact in Cleveland are representative of criticisms generally:

> High Impact tried to do too much too fast, with little in results to show for the grandiose claims of planning and accomplishment; in the short four months allowed for planning, no foundation could be laid for the immense expenditures undertaken; there was a lack of federal leadership and guidelines; no citizen input went into project development; too large a part of the funds went to police activities; concentrating on City of Cleveland agencies apart from the rest of the surrounding county area was unrealistic; no effective evaluation of the projects has been undertaken; there was little coordination with CJCC (Criminal Justice Coordinating Council) projects; funds may often have been spent other than according to plan; and the problems of continuation of projects following termination of the program was intensified not only because of the massive amount of short-term funding, but also because a substantial portion of the funding was channeled into saturation policing and police auxiliaries. (*Federal Funding for Law Enforce-*

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[6] The agency has such data but will not release it.

[7] This reluctance is due in part to the fact that LEAA believes it needs a legislative amendment to provide the necessary authority, similar to that included in the Department of Transportation legislation (*see* 23 USC § 402).

[8] One researcher who received a $120,000 Institute grant to do corrections-related research stated that his final report was first endorsed by an Institute Advisory Committee and then turned over to another contractor for evaluation to determine if it should be published. No determination has yet been reached, although the work was completed almost a year ago.

[9] In late 1975, the Institute funded long-term grants to four institutions (Yale University, Northwestern University's Urban Center, the Rand Corporation and Standford's University's Hoover Institute) to enable them to develop independent research capabilities.

[10] For a report on Pilot Cities see "The Pilot Cities Program: Phaseout Needed Due to Limited National Benefits," The Comptroller General of the United States, Feb. 3, 1975.

ment and Criminal Justice in Cleveland/Cuyahoga County, by Robert F. Doolittle, Esq., September, 1975.)

Typical examples of the problems raised by the Impact program include the following:

Dallas spent more than $1.46 million on a project to increase the effectiveness of police investigative efforts by utilizing new and innovative techniques and forming an Intense Investigation Unit. The evaluation of this project showed that the new technique did not increase clearance rates for Impact offenses, did not result in increased indictments and cost about $120 more per case handled.

A goal of the High Impact Program was the permanent institutionalization of Impact projects by the cities' or states' criminal justice systems. In Cleveland, 70% of the Impact projects will be continued—but with other *federal* funds, not with state or local expenditures.

St. Louis spent more than $3 million on a foot patrol project—paying approximately 100 policemen overtime to patrol high crime areas. The city's evaluation of the program concluded "measurable crime reduction due to foot patrol has occurred only in isolated cases when compared to city-wide trends. . . . Crime appears to have been displaced to the unpatrolled hours in the experimental areas."

Without having digested the failings of High Impact, LEAA now has a "major cities" program on the drawing boards, for which it is seeking a $212 million line-item appropriation.

Other discretionary programs have been similarly short-lived with little enduring effect on program priorities. These include the citizens' initiative effort (a special office was set up in LEAA for these programs in 1973; it was disbanded two years later); the career criminals project (a much touted new approach to apprehending expert criminals that consists simply of additional grants to prosecutors)—and others.

The LEEP program has funded hosts of educational institutions without applying rigorous standards. In 1960 there were 65 full-time law enforcement degree programs in the U.S. In 1974 there were 1064 institutions participating in LEEP and offering similar degrees.[11] Most of these programs would disappear if the LEAA funding were terminated tomorrow.

LEAA has made little effort to insure the development of quality institutions or high level curricula among its LEEP grantees. Nor has LEAA provided incentives to grantee institutions to tailor their course offerings to the changing criminal justice job market or the demands of each segment of that market. Consequently the program has been subjected to extensive criticisms even from its chief beneficiaries—the police. Typical criticisms from police officers include the following: "Few fields are so replete with differences in standards for the granting of academic credit as is the criminal justice field. Credit is granted for such things as 'threshold inquiry' and 'night vision'. It is also given for attendance at four-hour bull sessions. . . ." [12] "Although it is reasonable to assume that a worthless degree might never be approved by LEEP, evidence of education chicanery does exist, and degrees having little content have been approved." [13] "While LEEP has provided the funds, it has provided little else by way of guidance or curricula development." [14] "The importance of interaction between the criminal justice student and other students cannot be overemphasized, yet many universities (participating in LEEP) offer courses with a total enrollment of in-service personnel only." [15]

One final word in regard to LEEP. The program was originally designed as a program of training and education for officials from all agencies of the criminal justice system. It has, however, been overwhelmingly a police program, with little effort to expand its reach to the courts or corrections. Of the more than 250,000 people who have received LEEP loans and grants since the inception of

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[11] In the fiscal years 1972–1975, the state of Ohio alone received more than $5.29 million for programs in 32 schools ranging from $672,000 to Kent State University to $6,000 for Jefferson County Technical Institute in Steubenville, Ohio.

[12] Gordon Misner, "Accreditation of Criminal Justice Education Programs," *Police Chief*, August, 1975.

[13] John F. Logan, "Law Enforcement Education and the Community College," *Police Chief*, August 1975.

[14] Franklin Glendon, "Time to Test the Rhetoric," *Police Chief*, August, 1975.

[15] Erikson and Neary, "Criminal Justice Education—Is it Criminal?," *Police Chief*, August, 1975.

the program, approximately 66% were police employees, with only 14% from corrections and 3% from courts (17% are listed as "unknown").

(7) In short, the LEEA program is not reducing crime and the federal apparatus created to administer the program has not provided leadership to the states in terms of research or methodology for preventing crime or introducing major innovations into the criminal justice system. The federal administrators have, however, succeeded in creating an expensive and cumbersome bureaucracy that tries the patience of even the most fortunate grantees. The negative aspects of national bureaucracy have been created without the positive elements of leadership. Despite these limitations, some of the states have been fortunate enough to have some local and state level leaders who have designed and administered innovative programs; a few of these have ultimately been incorporated as an on-going part of state government (more often they have been supported by other federal grants). However, the returns have not been worth the investment. The program should not be continued in its present form.

(8) *Conclusions and Recommendations.* In 1967, the President's Commission on Law Enforcement and the Administration of Justice noted that, "There's probably no subject of comparable concern to which the nation is devoting so many resources and so much effort with so little knowledge of what it is doing."

In 1975, the governor of a major state commented, "I'm not satisfied that this program [the LEAA program] serves the public interest. I'm going to very seriously consider returning the money to the federal government to help them fund their $80 billion deficit that they tell me will be created in the next fiscal year, because I find it rather strange that this country can afford to spend money it doesn't have on projects that no one can understand." (Governor Jerry Brown, Calif.)

At a time when key LEAA officials admit that they have no knowledge of how to prevent crime and when national experts are suggesting that there is little that government can do to control criminal behavior, LEAA continues to funnel billions of dollars into the state and local agencies that comprise the criminal justice system. Those experts who feel that "something can be done to stop crime," including some of LEAA's own researchers and program administrators, are suggesting that national efforts should be directed towards building new kinds of communities. They are admitting that crime prevention is largely the purview of agencies that deal with people *prior* to their contact with the criminal justice system; criminal justice agencies deal with the individual after the fact, that is, after a crime has been committed. Given these conclusions, and in light of the experience of the LEAA program during the past seven years, the following recommendations should be considered:

(1) The nation continues to need a high level research resource to examine the causes of criminal behavior, ways of protecting society from that behavior, and ways of reducing the incidence of such behavior. The National Institute of Law Enforcement and Criminal Justice has not performed this function. A new, substantially funded, research center should be established, under the governance of a private board of presidential appointees. The new Center should become a major source of policy-relevant data for all government officials who must deal with the problems of crime, whether in the state legislatures, in the criminal justice agencies or in other agencies that impact upon crime. The Center should prepare and publish a national agenda for research related to crime on an annual basis. In addition to its agenda, it should publish its research findings, and should suggest policy questions raised and/or supported by the findings.

A significant segment of the center's work should be examining the way other social service programs in the fields of education, health, community development, etc., can be designed or redirected to more effectively prevent crime. When questioned as to what works in reducing crime, criminal justice administrators repeatedly refer to programs that rely heavily on other disciplines. They point to juvenile delinquency programs that rely on educational diagnostic tools for the correction of learning disabilities; to community health programs that correct sight and hearing deficiencies that prevent children from performing effectively in school; to job training and placement programs that give individuals who are outcasts from society a chance to become productive; to architectural and design programs that construct housing and public buildings in a fashion that makes them less vulnerable to predatory crime. The Nation should reap the benefit of these lessons not by having a criminal justice funding program that reaches out into the fields of architecture, education and health, but by impacting the tradi-

tional institutional programs in these fields in such a manner as to incorporate the lessons learned through crime prevention research.

(2) The Nation needs to have an effective measurement of the volume and kinds of crime that are occurring throughout the land. Accurate data on crimes, criminal offenders and victims is essential to effective planning and action. The Uniform Crime Reports issued by the Federal Bureau of Investigation are highly subject to political manipulation. The LEAA victimization surveys (another method of measuring crime) are at present imperfectly designed and similarly subject to politicization. These measurement efforts are important to citizens, law enforcement officials and policymakers alike. To improve upon them and to insure their political integrity a Bureau of Criminal Justice Statistics should be established similar to the Bureau of Labor Statistics that, working jointly with the Census Bureau in a nonpolitical atmosphere, will produce accurate, reliable reports on the Nation's crime problem. This bureau could be a part of the center recommended in paragraph (1) or a division of the Justice Department. The key element is that it be structured in such a manner as to insulate it from manipulation.

(3) Congress must clarify the purpose of Title I of the Safe Streets Act to determine if it is primarily intended to reduce crime, to improve the criminal justice system, or to provide fiscal relief to financially strapped localities. To the extent that the funds currently appropriated under Title I are viewed as general support funds to aid the states and localities in the maintenance of their criminal justice agencies, these funds should continue to flow, but through the general revenue sharing mechanism. This would insure accountability for fund expenditure on the part of local elected officials. Any decision to continue general support funding, however, should not be made until evidence is supplied by the Justice Department that the Nation's criminal justice agencies continue to have basic unmet material needs that can best be met with federal funds. This will require a showing that the billions of dollars spent to date have not filled the gap that existed in 1969 when the LEAA program was first launched.

If, on the other hand, the Congress does not feel that a general relief measure is required, and that federal assistance is appropriate only to the extent that it purchases innovative program reforms and a policy-relevant planning capability, the LEAA grant program itself should be greately reduced and viewed primarily as a discretionary fund to support approaches and projects that the newly formed research center has proven to be effective, or that the states and localities themselves have developed and shown to be innovative.

(4) To the extent that the Congress determines that an entity is required at the state level to receive federal funds, the current state planning agency apparatus should be dismantled, and instead each state should be allowed to select its own conduit for funding, which must be made an integral part of state government. This, in all likelihood, will lead to the incorporation of SPA type activities into the State Department of Justice or similar cabinet level office. The SPAs, as they currently exist, are artificial, federally-created entities that are not an integral part of state government and hence have no impact on overall state policymaking in regard to the criminal justice system. They are already manifesting a characteristic similar to that of other agencies created by the federal government—telling the state government that they must answer only to the feds and telling the feds that they are responsible to state government.

(5) To the extent that planning is maintained as a prerequisite of discretionary grants, or a block grant program should the present approach be continued, the enabling legislation should spell out the minimum elements to be included in a state plan. LEAA through a broad-range of grants has given substantial levels of funding to state planning agencies, to crime analysis teams in cities and to statistical analysis committees throughout the country to develop state planning data for crime analysis and criminal justice planning. Yet, to date, despite the many lessons that it learned through these grants and the requirement that planners include certain minimal categories of data in their plans, the plans are essentially unused in terms of affecting budgeting or other action decisions. Instead of local initiative, the states tend to rely heavily on the "cookbooks" and "shopping lists" designed by LEAA. The time has come for either the Congress, through legislation, or LEAA, through regulations approved by Congress, to spell out the basic elements required for effective planning.

(6) If Congress decides to renew the LEAA legislation, maintaining the program in its present form, we recommend that the renewal be for a period of one year only, during which period the Congress should conduct intensive oversight of the program and a review of national policy pertaining to crime. The program has

not been subject to such scrutiny for several years and, as presently administered, it is extremely difficult to determine exactly where all the money has gone, much less what the expenditures have accomplished.

(7) Finally, we recommend that the Congress, in this or in separate legislation, enact into law provisions for the compensation of the victims of crime. Although the LEAA program has produced little useful knowledge on the prevention or control of crime, it has generated important data on the victims of crime and the ways in which they could be compensated for their abuse. Similarly, the costs of such a program have been accurately estimated. There is no need to wait further for the enactment of victimization legislation.

TESTIMONY OF SARAH C. CAREY AND LEDA R. JUDD, CENTER FOR NATIONAL SECURITY STUDIES

Ms. CAREY. I would like to note that the testimony we are providing is based on a report that we are currently preparing which is entitled Law and Disorder IV, which is the fourth in a series of monitoring reports on the performance of the Law Enforcement Assistance Administration.

Mr. CONYERS. Is that out? Is that published now? Are you through with it?

Ms. CAREY. No; we are in the middle of it. We are not through with it. It should be out in 3 weeks, providing an act of God does not interfere.

I would like to indicate we are the only organization—we are working through the Center for National Security Studies—the only group that has never received any money from LEAA that has written about LEAA.

Mr. CONYERS. Is that because you could not get any, or that you refused it?

Ms. CAREY. Well, we did not want any. We have not tried, but I do not think we would get it if we did try.

And I would like to point out that this year it has been harder than in previous years to get information out of the agency, that there seems to be an aura of fear over there in terms of talking with the public. Fortunately, this is not true at the local level.

Our work is based on research conducted in eight States and eight cities, focusing on the high impact cities, plus California. We have done extensive field work, as well as interviews and research at the Federal level with grantees as well as policymakers. Most of what I have to say is in the testimony, but just to put the testimony in context I would like to say at the outset that this program is not one that you can tinker with now; tinkering—by adding minor little amendments that will redirect the flow of funds or reduce or increase the amount available for personnel—is really irrelevant; the key question with this program today is what is its purpose and how are you going to effect that purpose.

I think the only way we can describe the dilemma that the agency and the Congress are facing right now is with the quote from "Alice in Wonderland" where Alice is LEAA and the cat is the Congress. Alice says: "Would you tell me please which way I ought to go from here?" The cat replies: "That depends a good deal on where you want to get to." Alice says: "I don't much care where." The cat replies: "Then it doesn't matter which way you go." "So long as I get some-

where," Alice added. "Oh, you're sure to do that," said the cat, "if you only walk long enough."

This is right where we are with the LEAA program today—we have heard debate from a number of the Senators: "The program has not had a long enough experience, it ought to have 5 more years so we can see what is going on. We have LEAA administrators changing. They do not know the purpose of the program. For a period they thought it was supposed to reduce crime. Crime went soaring and they had to drop that purpose. Then they said it was to improve the criminal justice system. It was pointed out that the public is afraid of crime and doesn't care much about the criminal justice system. The current line is that the purpose of the program is to improve the criminal justice system in order to reduce crime—if it is possible to reduce crime through the criminal justice system, which no one knows.

There is, then, a confusion of purpose in the Agency. There is also confusion in the act itself. As you know, the underlying legislation includes both purposes: Reduction of crime and improvement of criminal justice agencies. I think we can all safely conclude, as I think the IACP witness was willing to and other police chiefs have testified more clearly to, that the expenditure of money is not reducing crime and that the converse has happened. We have spent over $4 billion in Federal money alone; that has leveraged an increase in the national criminal justice expenditures annually to the point where they have doubled. So that in 1969 you started with a $3 billion annual expenditure for criminal justice; we now have almost $14 billion. The Federal contribution is around 17 percent, which is almost double what the Federal contribution is to public education.

These figures, admittedly, are somewhat apples and oranges, but it does give you some picture of what the Federal role is and what money per se—what has happened to money by itself.

The number of crimes committed on the other hand, has increased by 48 percent, and proportionate to the population, by 95 percent during the period 1969 to 1975. That leaves us with the question: If we have not reduced crime, have we at least learned what to do about crime? And I think that the testimony you have heard today, like the statements of the Attorney General and other Federal officials and the very candid statement., very honest statements of local officials, is that we simply do not know what to do about crime in this country.

The Attorney General has rather weakly said that we should change the attitude of the American public. We gave that approach up 10 years ago in regard to civil rights and focused on laws instead. But apparently he feels a change in attitudes would be useful in regard to crime. The head of LEAA's research institute, the body that was supposed to go out and find out, through intensive academic research, what causes crime and how to prevent it, has testified before a House Subcommittee on Crime and Technology, and I quote him: "What can be said about our crime reduction capacity, not much that is encouraging. We have learned little about reducing the incidence of crime and have no reason to believe that significant reductions will be secured in the near future."

So we are in a position today where——

Mr. CONYERS. Is that the most recent Attorney General?

Ms. CAREY. The last quote was from Gerald Caplan, the head of the research institute of LEAA. The most recent Attorney General was the one who said attitudes should change. Other Attorneys General said we were reducing crime by spending money, but then the crimes went up. So we do not—we have not reduced crime. We do not know how to reduce crime.

The question then becomes: What should the LEAA program do? The bulk of the testimony you have been hearing is from people who have received LEAA grants and essentially they are saying—which is what I think the program is—that we need a fiscal relief program in this country for criminal justice agencies; that health agencies have received Federal moneys; educational agencies have received Federal money; and similarly criminal justice agencies should also.

That may be valid. However, a case has not been made to support that. The last analysis of the criminal justice system in terms of fiscal needs that we had was the President's Crime Commission in 1967. We have not had any assessment of the state of the system by LEAA, even though one might assume that that might be part of LEAA's mandate. So we do not know today whether the expenditure of the $4 billion to date, and the increased local expenditures that have followed that, plus general revenue sharing, plus the many other Federal grant programs that go to crime, have brought the system up to a minimum level of performance.

I think that is a question that you should ask LEAA. Find out if, in fact, we still have such substandard criminal justice systems that we need a straight fiscal relief program, similar to some type of revenue sharing approach.

The other question—initially the act—was conceived as a reform effort that would give localities and States the money with which to purchase reforms that would help reduce crime, and also improve the criminal justice system. I think you have more than you would want to read from the GAO, excellent reports, showing that over and over again LEAA money has purchased things that may be new to the locality, like street lighting or special squad cars but which are not new approaches to fighting crime.

So that the money is really going for fairly routine expenditures and this is true for courts and corrections as well as law enforcement. The program has not succeeded in fulfilling the mandate of reform. That is the reality today. We have a statute that talks about reform, that talks about preventing crime, and we have a program that does something quite different. It provides fiscal relief to a system, albeit a very important local system.

Mr. CONYERS. What if we raised Mr. Ashbrook's question to you? Ms. Carey, suppose there had not been an LEAA, what would you predict our point would be?

Ms. CAREY. Well, I like Mr. Ashbrook's line of questioning, but I—my first answer would be: The police are not usually abandoned locally; police are one service that local taxpayers are more likely to pay for. The Brookings study on general revenue sharing and other studies have domonstrated this. I would predict that expenditures for police will go up as long as the public thinks that the police are related to crime. The expenditures for other areas of the criminal justice system might not have gone up so much.

I do not think we have bought anything new. We do not know more. We do not have new institutions. We do not have new experts who write books to tell us what we can do. There is not even a book you can turn to in this country today that provides an answer that Congress—if it were so interested, could develop into a bill reflecting what works.

So I do not think we have bought much. I do not think things would be very different if there had been no LEAA. One estimate was made in Cleveland that out of the $20 million spent on the high impact program in that city that maybe 10 percent had been useful—which is a fairly poor return on taxpayers' expenditure.

I also think the gentleman from the IACP is using a somewhat false standard. I think the taxpayer is beginning to reject the defense that LEAA frequently gives me that other Federal social programs are worse, therefore they should not be criticized.—"Well, look at the highway program, how much they wasted for years, or look at the school programs and, you know, we have not got a cure for cancer yet. Therefore, LEAA is not doing so badly."—I do not think that is the proper standard. I think Congress has got to start looking at these programs separately, by themselves, for what they accomplish, and to admit that maybe there is not a Federal solution to some of the problems.

I would like to point to a couple of key areas of the act that are related to the recommendations that we make for changes in the bill. We would like to comment, as an aside, that we have extensive materials on the actual performance of the program in the field in regard to each of these. So if there is any further interest in any specific issue or program we would be glad to provide it.

The act specifies three different functions to combat crime. One is a planning capability. The second is the provision of money to improve criminal justice, to strengthen it; and the third is the research and demonstration aspect. And I think if you look at the program overall, if you do not mind the waste, if you do not mind the very low return on investment, and think that despite that it is worth shovelling more money into the field, then you must look at these three specific items and either drop them or change them. The first of these is planning.

Title I, in sections 37, 33, provides many detailed requirements for the comprehensive plan. Each State, as you know, receives LEAA money for planning. We can safely say a number of things about the planning process at this stage: First of all, most plans—and there are few States that are exceptions—simply parrot the Federal guidelines that the LEAA puts out in a huge catalog every year listing the kinds of things that will be acceptable. You see almost the exact same phrasing, with the blanks filled in, when you read the State plans. Further, even though the plans include assessments of the crime problem in the State, the actual projects that are to be funded bear little relationship to the statement of the problem. Planning is expensive, it is time consuming, but the way it is being carried out, it is simply a grant management operation. It is not a way of reviewing priorities and making judgments about how to address the problems of a State most effectively.

So if you look at a State plan that says, for example, that the most serious crime problem is the growing rate of juvenile offenders you can

then go on and read that a tiny amount of money is actually being allocated to juvenile problems.

A second major problem is—and I think this is something that State governments would attest to—the SPA structures themselves are artificial entities that Congress has dreamed up, that are not accountable to traditional State institutions; and that are not subject to legislative review. Very few of them have any contact with their State legislatures, and yet a number of the basic reforms required in the criminal justice system, particularly in regard to the courts, require legislative action.

Yet the SPA's operate by themselves outside the normal State departments.

Another key aspect about the planning bodies is that they plan—and again, there are one or two exceptions, such as Kentucky and, I believe, Wisconsin—they plan only for the Federal LEAA money coming into the State. This is roughly—the figure given is usually 5 percent of the State's total expenditure for criminal justice. They do not even plan for the other Federal money coming into the State.

So if there is HUD money, CETA money, general revenue sharing money, DOT money used for crime purposes, non-LEAA's drug money, and so forth, it is not planned for by the SPA, nor is the much larger expenditure of State funds that is appropriated through the normal State budgetary process. So you have this computerized, fairly well staffed planning entity, that plans for only a small layer on top of a fairly big system. A disproportionately complex operation has been created, given the size of the problem.

When LEAA is criticized concerning the inadequacy of the planning process they say, rather weakly: "Well, at least we have gotten everybody to sit down together in the same room." I would submit that after 7 years that is a fairly high expenditure to get people to talk together.

That brings us to the second area, which is the number of programs where LEAA has the opportunity to impact on national problems of crime, either through research or demonstration. And the two key programs there, as you know, are the National Institute and the discretionary grant programs. The National Institute was initially conceived of as a leader for the program; it was to conduct analyses of the system; review the available criminal justice data; decide what the problems were; pick research projects; make policy-relevant interpretations of the results of the research so that you would know today how many big cities actually have backlogs in courts, how many people are incarcerated who do not need to be incarcerated, who could make room for serious offenders if we really wanted to lock them up, as has been suggested. The institute was thought of as that kind of entity that would produce the underlying data to enable Congress and others to make decisions about criminal justice policies in this country; and could also come up with techniques that would assist law enforcement and other officials.

Now the Institute—in the first few years—had very little money; its activities were almost negligible. People did not even know it existed. Around 1972, it emerged with the beginning of the high impact program. But today, I think it is safe to say that in 3 years the Institute has had a very poor record. They have no in-house re-

search capability. They have to contract everything out. They even have to hire contractors to review the work of their initial contractors because their own staff does not have the expertise to do that.

They have evaluators of their evaluations and they have something like 33 evaluation models out. They have not developed centers of expertise in the country so that we could say, for example, that in Michigan there is X University, that because of LEAA funding now has the hottest criminal justice program going. There are no new leaders. The same people are doing the research they did years ago for the Crime Commission.

And probably most serious of all, what good work has been produced by the Institute is not effectively reaching the field. They have recently, as a result of congressional pressure, instituted a series of things that are called promising programs, prescriptive packages, exemplary programs, things such as that. But when we interviewed people in the field, most of them did not know about these programs.

We would say: "Well, you are starting a court diversion program. Have you read the exemplary program package from the Institute on court diversion?" "No, we haven't heard about it." The dissemination mechanism, as I believe somebody else mentioned earlier, is not working and nobody quite knows why; whether it is the fault of the regional offices, whether it is the fact that the LEAA administrators have never considered the work of the Research Institute particularly important, or whether the Institute itself has not made a sufficient effort to get the work out, or whether the field is unreceptive.

Mr. CONYERS. Do you think things might improve if the Attorney General had a little bit more to say about the LEAA?

Ms. CAREY. Well, we have kicked this around. There are lots of people who are thinking about this problem who have been given grants by the Institute. But our thinking is that as long as it is near the Attorney General, there is a big chance of it being used politically; that if they develop——

Mr. CONYERS. You do not suggest that the Justice Department would use——

Ms. CAREY. Let us put it this way: I do not think that politics went out with John Mitchell.

Part of the problem with—I mean, LEAA—you can take an example of their victimization surveys that they have introduced, this new way of measuring crime. Well, the survey is only valid on an annual basis because of corrections that have to be made. But the——

Mr. CONYERS. I have a response to your response.

What about giving the present Attorney General a chance? I mean, perhaps he is apolitical, who knows? He has not had a chance to impact on LEAA. We have on the organizational chart the Justice Department with the FBI and civil rights; and way out here is LEAA orbiting in space.

Why not bring this under the jurisdiction of the Attorney General? Then, if it is political, then we can say that. If it is not, or if it is poorly operated, at least it will vest into one department—these responsibilities.

Ms. CAREY. Well, I have two comments on that. One is that—looking at the experience of Congress and their inability to change programs once they set them up, or to cut them back, that I would

not be terribly sanguine about it being changed if it did not work out, No. 1. And No. 2, I think that we need a type of research institute that is more quiet and scholarly, along the lines maybe of the National Institutes of Health or NIMH or something of that nature.

And I think as long as it is in the Justice Department, as long as it is tied into reports on crime, that there is going to be a lot of faddish stuff going through. If you go through the LEAA newsletter, there must be at least 10 issues about finding the perfect police car, you know; it is that type of thing.

Mr. CONYERS. But, what you are suggesting is that the more we organize, the worse it will probably get. I mean, if we bring this under the Department of Justice, where some might argue it would logically fit, you are saying that it would be subject to politics, there would be more ripoff, more bureaucratization, but, yet, we have left it out in space, and you come here after 3 years from testifying not too commendably on its operation before, and say that it is working not too well.

Ms. CAREY. Well, the Attorney General could, up to this date, have used the Institute anyway that he chose, or he could have gone in and used them, you know, on research, asked them research questions concerning whatever he considers to be the solution to crime.

It is under the Attorney General ultimately at present. I guess my question would be whether just a movement within the Department would make enough difference. I think probably for symbolic and other reasons, it would be better than where it is now, and I think the person holding the position as head of the Institute would agree with you on that, because one of the problems has apparently been that the Administrator or the Chief of LEAA has never taken the Institute that seriously. But I would like to see the idea explored of a different kind of arrangement, if it is possible, you know, to have a lower key, more scholarly——

Mr. CONYERS. So, you would take the research arm even further away from LEAA and the Department of Justice?

Ms. CAREY. Well, you see I am not sure LEAA should be continued. I mean, it depends on——

Mr. CONYERS. Well, that is the first time you have suggested that, and now we are getting to the thrust of your remarks.

Ms. CAREY. Well, I was laying the groundwork. I was trying to tell you the problems before I made the recommendations, but I am glad to skip the rest of them because they are all set forth in the sections of the testimony that review the discretionary program and the LEEP program and so on, but I do think that—to move on to recommendations—that you should consider fundamental changes in the program. Our rationale for this is that nobody knows what to do about crime right now.

This is not a crime prevention program. It is a program that deals with people after they have committed a crime. LEAA officials are talking in terms of crime prevention of things that are related to bills you have introduced before: Building communities, and that sort of thing; or else they are saying that Government cannot do anything about criminal behavior. But the communities line is coming in strongest.

They are also saying things like, based on their own data, that experience in diagnosing learning disorders and getting kids into a corrective program has a very close relation to juvenile delinquency and illegal behavior.

Mr. CONYERS. Can we assume that their new interest in community relations with law enforcement are sincere?

Ms. CAREY. Well, it is unclear yet what they mean by that. They use the term rather loosely, and it is hard to tell. Sometimes it means target hardening, which means everybody writing their name on everything they own so that it cannot be fenced or stolen; or programs for witnesses so that witnesses will not have to wait so long.

But there is also receptivity to various kinds of neighborhood programs. I have not seen any funded yet. The States have funded some, but I have not seen any. You know the whole experience with the Citizen Initiative Office, how it kept all those community groups dangling.

Our recommendation is that we do need a research capability very much. We have needed it for 10 years now; and Congress should consider creating some kind of a research center that would have an agenda. The current Institute never had a research agenda; and this year they contracted out to the National Academy of Sciences to develop an agenda for them. This is after 7 years of operation, but the new center would have an annual agenda, publish its findings, and be directed to relate those findings to policy questions. The facts just sitting there, if not translated, are useless.

We also feel that instead of having a criminal justice agency like LEAA, give money for architecture programs or for the diagnosis of learning disabilities or for health programs that, if the center produces research that demonstrates results from these kinds of activities, they should try to impact their findings on other Federal programs in those areas: To show HUD how it can design new facilities, HEW how to modify educational and health programs, et cetera.

But it is silly to have a criminal justice agency moving into all those areas.

We would also say this: That we need a method of measuring crime accurately, that the FBI's UCR has always been subject to political pressures of one kind or another. It used to be that you were considered a radical if you criticized the UCR. Now you are radical if you do not criticize them, even the LEAA itself is criticizing them.

The same is true of the victimization data. We feel that there should be a national bureau of crime statistics to accurately measure crime. And then, in terms of the action moneys, I think that we would come down close to where the GAO did, that there is no point in handing out money if you do not know what you are handing it out for, and that there should be a hiatus in the millions of dollars going for action programs.

If it is deemed desirable to pay for some reforms, it would make sense to relate discretionary funds to Institute findings or to the new research center findings. But otherwise, the LEAA apparatus itself, I think, could be largely scrapped.

If you feel that assistance is needed to the States and localities along the fiscal relief measure I discussed earlier, put it into general revenue sharing and let the localities decide how it should be spent. The strength of this program is definitely not in the Federal apparatus.

We recommend the dual approach of building up the Institute and getting rid of, or greatly reducing, the Federal administrative mechanism, with its various responsibilities, including the LEEP program, the discretionary grant program, and similar programs.

As I have mentioned earlier we do not feel that the SPA structure should continue to exist in its current form. I think politically it is probably going to be difficult to change them or get rid of them, but if you do not do so now, you will find in 10 years that you have created another one of these in-between agencies that, when the Feds try and give it direction, it says it is part of State government; and when the States try to direct it, it says it is part of the Federal Government. We have other models where that has happened in other fields.

We would say that if you are going to keep any kind of a planning body at all—and under our idea of general revenue sharing or getting rid of the grants altogether, we would not recommend that—but if you do decide to keep it, make it an integral part of State government, and let the States decide what kind of mechanism they want.

I think those are probably our main recommendations. I think we would close with a final thought that this program has not really been subjected to congressional oversight of any serious kind. It is a program that is very hard to find out about what is actually going on, and what has actually been accomplished.

The administrators of the program cannot define the problem they are dealing with, nor can they define how they are supposed to go about it. This suggests strongly that it would behoove Congress to give the program very close examination in oversight hearings. Maybe a special committee, a select committee of some kind, should be erected to conduct a serious review of the agency. To allow this, the program should be renewed for only 1 year. The committee's review might help to inform the political debates going on during the election year.

But I think a 5 years' renewal would be ridiculous. It would be the equivalent of the cat's answer to Alice: That if you just walk long enough, you are sure to get somewhere. We strongly recommend a 1- or 2-year renewal, if that.

That concludes it.

Mr. MANN [presiding]. Do you have a proposed bill to present to me that I can introduce?

Ms. CAREY. I will be delighted to draft one this afternoon.

Mr. MANN. All right. You mentioned that the Research Institute seemed to be, maybe, getting on the track a little bit, at least by developing an agenda. Is there any reason, under your recommendations, that the current Research Institute cannot be used as the basis for a continuing or beefed-up program?

Ms. CAREY. It is hard to tell. The last go-round, in '73, Congress did add some language to the statute giving the Institute more responsibilities, and there was a lot of debate of this same kind, of how to make it inform the program decisions more, have an actual impact on action funds.

It did not—see, they always do things the last year before renewal, so it is hard to tell whether the action we are seeing now is because this bill is presently before Congress or whether there is really a change in the Institute. You know, all of a sudden, they have given five grants out to institutions around the country that are supposed to develop

criminal justice expertise of the kind that was contemplated initially. Same thing with an agenda.

If there were some way of assuring that the directions spelled out by Congress would be carried out, I think you could work with the Institute. I do not think you could work with a lot of the personnel there now, but I think you could work possibly with the structure.

Mr. MANN. Well, you know, I do not want to be in the position of agreeing with everything that you have said, but I find that I did not disagree with much. I think the idea that we have fostered a fiscal relief program has been the dominant feature, and no solutions have been found nor have partial solutions been disseminated, so we have been blundering along.

Mr. Hughes, I know is handicapped, but perhaps he has some observations or some questions that he might want to ask.

Mr. HUGHES. Thank you, Mr. Chairman. I have no questions.

Mr. MANN. Staff?

Ms. FREED. I have a few questions, Ms. Carey. One is in reference to your proposed revenue sharing concept. We have had a lot of discussion here about the block grant approach for categorical and further decategorization of the present approach to revenue sharing. I also understand that it was the main proposal of the administration in 1973 hearings. You mentioned that if a revenue sharing approach for certain funds would be adopted, then the local officials would be accountable to Congress or someone, or have their own accountability for the money and where it went.

One of the problems Congress has found is, LEAA is not even accountable for the money. They, through their grants management and information system, cannot even keep track of those 85,000 projects that Mr. Ashbrook spoke about. How would you assure that there would be some accountability for the money spent if we were to continue funding the criminal justice program?

Ms. CAREY. Well, it seems to me that if you viewed it as just straight revenue relief, then you would not be looking for accountability in terms of substantive goals; you would be looking for fiscal accountability. You would not care, as long as the localities were legally, through their normal decisionmaking channels, making decisions about how to spend their money. And they could conceivably do as they do now, which is, use the general revenue sharing money for substitution purposes to reduce local taxes or at least to prevent an increase.

So that your main question would be fiscal accountability, whether they were not cheating or violating the Federal laws in regard to the expenditure of that money. I think that is much easier to keep track of. But of course, you get into another committee. You are going to have to deal with the general——

Ms. FREED. Well, two things rise out of that. Your proposal, then, is of two parts. You suggest that you have a beefed-up Institute capability, and also, in order to maintain criminal justice agencies in the States, you have a direct fiscal giving program. Is that it?

Ms. CAREY. I would recommend the direct fiscal giving approach only if Congress, on the basis of information submitted by LEAA, feels that there is still a need to bring the criminal justice system up to par, that is, if Congress finds that it is still so substandard that it

is dangerous or harmful or a national problem. But would require that finding first.

Ms. FREED. So it is an alternative approach.

The second thing I was going to ask you was that in one of your proposals in your written statement, you have suggested that Congress begin to legislate minimum standards for operations of projects and programs. How, then, would that fit into the whole arena of——

Ms. CAREY. Well, that recommendation would go—if Congress chose the general revenue sharing route—and I say general, not special—I would not support a special revenue sharing route—if the general revenue sharing route were followed, then that would go out of the window. You would not have to worry about standards any more, because you would not require detailed State plans.

My point there was that, if the SPA structure is maintained, and if planning is still required, then it is time to say what a plan has to look like. I mean, it is ridiculous to file—there is nobody, really, who reads them, except for us and the equipment manufacturers—that there are elements that can be spelled out and there is enough experience from the high impact crime analysis teams or from the SAC's or from all the similar programs that LEEA has funded to say, what a plan needs to have—and there are much simpler plans. They would not have to be as big or as expensive as the ones they have now. They would, however, be related to funding.

Ms. FREED. To go on a little from that, you said that there was no real book that anyone could turn to to find out what LEAA wants to be done in the criminal justice area, and you are suggesting that there be some standards. What do you think about the National Advisory Commission standards and goals project that took them 3 years and that they are trying to implement in the States?

Ms. CARRY. Well, you're dealing with two separate points. The first point, when I said that there is no book you can point to, I was using that to demonstrate that we have not generated new thinking in this country about crime in the 7 or 8 years that we have distributed this money. In other programs like the NDEA program, you can point to the Colombia China Center or the Harvard Russian Center, where people were learning things about those cultures and new ideas were coming out, and that sort of thing. And there are other examples where Federal funding has gone out and you have seen a jump in academic or other performance. We have not seen that with LEAA funding.

The point on standards and goals, is different. At the Federal level, I think that the standards have provided some useful materials. Incidentally, if you measure LEAA's programs against them, they do not meet their own standards and goals.

At the State and local level, it is hard to tell. One local official described it as a big WPA program, because they gave out all these grants to hire people to sit around in committees and issue standards which were exactly the same as the Federal standards.

At the State and local levels, it has been criticized—and I think I would agree with this—for being top-down planning. The States wanted what they call a bubble-up process. They wanted to have the people in the field who deal with the problems, or who are local policymakers, sit down and think about standards, rather than having

the standards shoved down from the top which is really what happened. I mean, you had the Federal process, and then everybody ran out and more or less did a play copying that.

I think that some use has come from the program, but a much smaller percentage than could have come from another kind of approach.

Mr. MANN. Well, to divert almost for a moment, the Subcommittee on Criminal Justice will be marking up criminal justice legislation probably Friday. Now, in your recommendation, you state one thing and that is that the costs have been inaccurately estimated. What is your estimate?

Ms. CAREY. I do not have the estimate myself. I understood from one of the researchers working with the victimization data at LEAA that the Justice Department has done a pretty good assessment of the kinds of crimes—the costs of the kinds of crimes that would be compensated and the amount of revenues that would be generated by fines and other things to cover it. And I am sure you probably have that paper already, or could get it.

Mr. MANN. Do you have any specifics in mind for the type of program, the type of legislation we should have—State and Federal matching program or a Federal program that the States exercise their own.

Ms. CAREY. Well, I do not know. I would have to study it.

Mr. DANIELSON. Would the gentleman yield?

Mr. MANN. Certainly.

Mr. DANIELSON. I took part in one of the hearings of this subcommittee recently, and the general feeling I got, as an observer, was that what they are thinking of is to use it as a second resource. In other words, if there are State resources on compensation of victims of crime or resources available through insurance or Workmen's Comp or other such things, that the Federal contribution would be a secondary resource within some kind of limits. I am just telling you what I observed as a person present at one of the hearings.

Ms. FREED. I have one more question. You mentioned quite extensively that you did not feel that the Institute's program of setting out 17 or 12 exemplary projects or prescriptive projects was useful. It has come to our attention that possibly that could be useful if those projects were replicated elsewhere. Do you have any indication of how many times they are replicated elsewhere, or whether there have been requests to use those projects elsewhere, or do you feel that they should be eliminated altogether?

Ms. CAREY. The Institute does have a—they give you a computer printout of the number of requests, and they have a very fat memo of the number of people who have called and the number of people who wrote and the number of people who called back after they got the materials, and the number of people who invited somebody from the Institute to come out. But they do not give you the bottom line on how many projects were permanently adopted as a result of this.

Any good effort or good-conscious effort, I think, should be maintained. I think the promising programs was ridiculous; that was purely cosmetic. They have improved slightly on that.

And they had a project called Scherezade where they hired a consultant, the Abt Associates, to find 1,001 projects out of the how-many thousands that have been funded that were successful and the con-

sultants were almost dismissed because they could only find 650; they could not find 1,001. The project was scrapped.

But it is that kind of gimmicky sort of approach that has just wasted people's money. And I think they have established criteria for the exemplary projects.

They are, however, doing something silly with that, too. They are requiring every State to come up, as a guideline, with five exemplary projects every year. So, you know, it is sort of like Soviet planning or something. You have to meet a success quota. The idea of seriously looking at things that have worked, that have relevance nationally, is very important. And then you get into the question of whether they are executing it properly.

One thing that I think you should ask about, as the hearings go on, is, why LEAA does not consult more extensively with the State planning agencies over what they want. The head of the SPA Association said that the Association has had practically no influence on the research agenda, and yet the SPA's are the main users, at present. I question whether it makes sense to go to the National Academy of Sciences when you have your own people. But that is the problem of contracting out everything and not having any expertise themselves.

Ms. FREED. One of the things that has also been brought to our attention—this is in reference to your suggestion that the SPA's be dismantled or discontinued—is that the leadership in the SPA's, the directors, have changed 22 times a year. Do you find that that has provided one of the problems with the Agency?

Ms. CAREY. That has provided problems in every aspect of LEAA, the national office, the regional offices, the SPA's. In High Impact, which was a 3-year program, Baltimore, one of the major cities, had four directors for the program during the period. And the most successful program was the only one that had its director last all the time, for the duration of the program.

Mr. MANN. Mr. Gekas, do you have a question?

Mr. GEKAS. Yes, thank you, Mr. Chairman.

It is always difficult to question the expert in the field.

Ms. CAREY. That points to the paucity of the research in the field. That is one of my points.

Mr. GEKAS. I mean, the field I am talking about is criticism of LEAA and looking at how it operates, not so much the criminal justice science itself. But I do have one question that is easy for me to frame, and that is, would you send me copies of "Law and Disorder One, Two, and Three and Four" when it is published? I do not have them.

Ms. CAREY. Certainly. I would be glad to.

Mr. GEKAS. There are a couple of general areas that I would like to explore. One is the idea of the use of discretionary funds. Is the problem with High Impact and Pilot Cities simply that it just did not work, and that they rushed in to try and get some results and tried to do too much, too fast, or is the concept of the use of discretionary funds by the Federal Government for national programs a bad one?

Ms. CAREY. Well, I am trying to think of other fields where discretionary funds have been given to administrators and been useful, and right now, none come to mind. But that does not mean anything.

Mr. GEKAS. Well, the space program, let's say.

Ms. CAREY. I do not think that is analogous. I think you have to look at social services—education or health, or similar areas—separately. I do not think space is comparable.

Mr. GEKAS. I am surprised you say that, because the whole tenor of your testimony is that we ought to have one book that we can turn to, and on page 6, the conclusion says, this is how to solve crime, signed LEAA.

Ms. CAREY. That is not true at all. I have said we ought to have one or two ideas, of how to solve crime. We do not have that.

Mr. GEKAS. Back to the problem of discretionary funds.

Ms. CAREY. I think the discretionary funds, in principle, is not a bad idea. The problem is, that the way they have been administered by this agency is almost cynical. I mean, as a taxpayer, I find it outrageous that if you take the GAO report on Pilot Cities and what went wrong, you can apply it directly to High Impact, same things all over again: No planning, no technical assistance, unclear guidelines, pressure to get the money out without having a plan. It is a litany. It is word for word the same thing.

Those are big amounts of money. Those are $30 million and $160 million.

Mr. GEKAS. But the problem is—you know, I hate to say—it is the people and the planners or the discretionary people who use their discretion in designing the program—it is not the concept of discretionary funds. It seems to me that the idea of trying to think of programs that will have a national significance and a national impact on crime, or law enforcement and criminal justice—whatever—is a valid one, because there are differences between Detroit and Greenville, S.C., but there are also a lot of similarities.

Maybe there are some fundamental areas in which discretionary-funded programs can be used, if they are not subject to the kinds of abuses that you have found. Do you not agree with that?

Ms. CAREY. Yes; I would agree in principle. But the experience of 7 years, with I do not know how many administrators and how many different heads of the Institute has been almost totally negative. These programs get abandoned the minute a new administrator comes in. Each one hires a consultant to conclude that the program was no good, which they do. Then they abandon that program and start a new one, with more money, usually building on the concept of the earlier program, which has been terminated.

Mr. GEKAS. Well, I agree that the problem with discontinuity is a serious one, and you know, it would be better to have one administrator and one head of the Institute and one Attorney General for an 8-year period. And hopefully, we will return to a more sanguine time and we will have that, but it is the concept of discretionary funds that I think you subject maybe to unwarranted attacking.

I think the general feeling is in the criminal justice community that, assuming it has been mismanaged, generally High Impact and Pilot Cities have been criticized in a lot of ways, administration, and poor planning; but the concept is a good one, do you not think? And if they got some people in there—and I do not mean to admit that the people in there are not able to do it—but if the people in there were able to do it, it would be a good thing. Could you not agree with that?

Ms. CAREY. If they were able to use discretionary funds effectively, that would be a good thing is what you are saying?

Mr. GEKAS. Yes.

Ms. CAREY. Yes, I would agree with that.

Mr. GEKAS. So discretionary funds are what we ought to be looking for.

Ms. CAREY. Because the discretionary funds have never been focused. I mean, High Impact, they said they were focusing it geographically, so they gave $20 million to each of eight cities over a 3-year period, but once they gave the money locally, they scattered it all over the lot. In some cities—I mean, the police chief in Baltimore wrote a letter to the mayor's criminal analysis team as soon as Impact was announced saying, this is how you are going to spend the money; we have already met, the probation, and the courts, and——

Mr. GEKAS. Well, there are a lot of administrative abuses, and I think they are well publicized and well documented.

Ms. CAREY. But that one has not been—well, the most serious one has not been well documented, and that was the fact that the developers of the program had no understanding of local government whatsoever, so they selected jurisdictions that in many cases had control only over the police. Dallas, for example, got $20 million to reform the criminal justice system, when the city had jurisdiction only over the police. The county had jurisdiction over every other agency, and was at odds with the city, because the county is conservative and the city is liberal. Baltimore did not even have the police, because the Governor appoints the police chief.

The only city out of the eight where the city and county were coterminous and you had the range of agencies under control of a single entity was Denver, and that is the most successful city.

But nobody even thought of that before the money went out.

Mr. GEKAS. Well, I think because of administrative abuses it is not a wise idea to attack what I think is essentially a valid concept. I think the feeling throughout the community is that it is, but let's move on, because we are trading points of view.

The next thing is that the National Institute is really only about 3 or 4 years old. Would you not agree with that? The first 2 years, it was not really funded, and for a long time out there, there was no community, no criminal justice community that knew that there were funds there. It takes a long time for a research organization and essentially a research administration to grow up. Do you not think that is true?

Ms. CAREY. It is certainly true in this case.

Mr. GEKAS. Right. Well, you know, we are talking about, as you said, intractable human problems. How long is it before we are going to really start putting the researchers of the United States on the spot and saying, how do we reduce crime? Is it 7 years? I mean, should we have those answers, now that we have had that program 7 years?

Ms. CAREY. You might at least have some of the questions after 7 years.

Mr. GEKAS. All right. So you do not even think they have the questions.

Ms. CAREY. I do not think they have all the basic questions yet.

Mr. DANIELSON. Would the gentleman yield. I would say this has been going on since the time of Cain and Abel, and with just about the same degree of success.

Mr. GEKAS. Well, on the question of whether or not there are any books out on—I am sure you are familiar with Jim Wilson's book,

"Thinking About Crime," and Van DenHaag's book, "Punishing Criminals." Do you think they are a new, thoughtful analysis of the problem of crime in the United States? Zimring on "Deterrence," which, right now, I think is about 3 years old. Are those the kind of books you are talking about?

Ms. CAREY. I would say that Wilson's book is a negative statement, looking backwards, and it is no kind of a statement for the future.

Mr. GEKAS. Well, you know, in a way, your testimony is kind of the same. You do make recommendations for the future, but we all have to look backwards and see where our mistakes are to see forward where we ought to be going, right?

Ms. CAREY. I am not a criminal justice expert. I am not sitting at Harvard, and, claiming to have the answer on how to organize local government and criminal justice agencies. I am just monitoring the expenditures of a Federal program.

Mr. GEKAS. I understand. The point I am trying to make is it seems to me that there are a lot of people across the country, thoughtful, intelligent, research, scholarly academicians who know about the statistics and all of that crazy stuff, who are thinking about the problem of crime. I think it is oversimplifying to say, first of all as you do that we do not have a book that we can turn to answer these questions. I think there is a community out there, and a lot of that community is relying on the National Institute moneys to go forward. Frank Zimring is a good example of the best of the criminal justice field who is doing a long range, a 4-year project, 4-year projects on deterrence. Is that specific project a good one? Would you say it is a good one?

Ms. CAREY. Well, you know, I cannot really answer that question unless I read what his project is. I have heard of Frank Zimring, and I have read some of his other things, but I can't judge his project without knowing anything about it.

Mr. GEKAS. They are moving into firearms abuse. This subject is of particular interest. The point I am trying to make and probably not very well is that is is really a——

Ms. JUDD. Are you trying to say that LEAA has generated these ideas or these projects, and that, therefore, it suggests and deserves to—I mean we are not arguing with discretionary, that discretionary grants are not a proper expenditure of funds if we know what it is we are buying and if we get some sensible accounting for how the money is spent?

Mr. GEKAS. It sounds like you were attacking the concept of discretionary funds, and it sounds like you were saying that there is just nothing out there in research, and I think it is an oversimplification.

We can criticize whether or not the research is going in what direction, if it is the best kind, or are the studies designed properly, but they are out there. You will agree with that, will you not?

Ms. CAREY. Well, I think this is a silly discussion. I hate to say that, but if you want to get specific, you can start listing the people that the Institute cites as major researchers. Most of those people were around doing their research before, getting money from the Ford Foundation or somebody else, and then I think you could do a long study comparing, say, the amount of money that has gone out under LEAA versus the amount that went out under NDEA or for education research or something like that, and you could then start making

comparisons between the fields of the level of scholarly resources and information that we have generated, and I think that measured against that scale, you would find LEAA fairly low. This estimate comes from researchers in the criminal justice community.

Mr. GEKAS. Perhaps, but that is far different from saying that there is nothing at all right, which is kind of what you said, right?

Ms. CAREY. No.

Mr. DANIELSON. Mr. Chairman, is there any further information coming before the committee this morning? Otherwise, I am going to leave. I simply cannot agree with counsel's implied position, in fact it is driving me out of here to the House floor. Thank you.

Mr. MANN. We have got one more witness, George.

Mr. DANIELSON. OK, I will wait for that. As I say, if counsel has nothing more useful to offer, I would just as soon we got on to the next witness.

Mr. GEKAS. I yield back, Mr. Chairman. I apologize, but it is not the first time——

Mr. DANIELSON. Well, I want to spend my time on something productive, even if the LEAA funds are not.

Mr. MANN. Ms. Carey and Ms. Judd, thank you very much.

Dr. Brandstatter, come forward, please.

Dr. Brandstatter is appearing before us, representing the School of Criminal Justice at Michigan State University. He has the distinction of being an alumnus of the school of criminal justice and a member of their first class to graduate in 1938. He has previously served as Chief of Police in East Lansing, Mich. He was appointed director of the school of criminal justice in 1947 and still holds that position.

Dr. Brandstatter, you have a prepared statement, which I believe has been furnished to the committee?

TESTIMONY OF PROF. A. F. BRANDSTATTER, DIRECTOR, SCHOOL OF CRIMINAL JUSTICE, MICHIGAN STATE UNIVERSITY

Mr. BRANDSTATTER. Yes, sir, I have and it has been submitted to the committee, and I assume it will be accepted into the record, if that is the case, sir, I would like to just, perhaps, deal with some of the highlights of my comments and be responsive to questions.

Mr. MANN. You are a very perceptive man, and the statement is submitted into the record, and you may proceed.

[The prepared statement of Mr. Brandstatter follows:]

STATEMENT OF PROF. A. F. BRANDSTATTER, DIRECTOR, SCHOOL OF CRIMINAL JUSTICE, MICHIGAN STATE UNIVERSITY

PREFACE

I am pleased to be here to address the issue of Federal support for students who are enrolled in criminal justice programs in our institutions of higher learning.

PERSONAL BACKGROUND

In 1938, the first class of students was graduated from the School of Criminal Justice at Michigan State University. I was one of those students. I served with the Detroit Police Department for about three years, leaving there to enter the military service during WW II for about five years. After separation from military service, I served as chief of police in East Lansing one year. In September 1946, I was appointed to the faculty of the School of Criminal Justice and was appointed

director of the school in September 1947, a position I still hold. I served as vice president of the Academy of Criminal Justice Sciences in 1964 and as president in 1965. I have also served as a consultant or as a member of accrediting teams for the North Central Association of Colleges and Secondary Schools and for the Commission on Higher Education, Middle States Association of Colleges and Secondary Schools. I continued my military service as a reserve officer and recently retired as brigadier general after having commanded the 300th Military Police Prisoner of War Command for a period of about six years. I am a graduate of the Command and General Staff College at Fort Leavenworth, Kansas. In September 1975, I attended the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders as an official delegate of the U.S. Government.

RECENT GROWTH IN CRIMINAL JUSTICE PROGRAMS NATIONALLY

I shall confine my remarks to the B.A. and M.A. programs identified in the International Association of Chiefs of Police Directory published recently.

Baccalaureate degrees offered have increased from 39 programs in the 1966–67 school year to 376 such programs in the 1975–76 school year—almost a ten-fold increase.

During the same period, the number of programs offering master's degree programs have increased from 14 to 121—almost a nine-fold increase.

The most dramatic increase occurred after the 1970–71 school year and can be attributed in great part to the LEEP program, as well as to an intensified interest in criminal justice education.

STUDENTS AND LEEP SUPPORT

Obviously, the growth in the number of such programs means a corresponding growth in the number of students participating in and graduated from criminal justice programs [no national estimate available].

As you know, the intent of the Crime Control Act was to supply LEEP funds for two purposes (the legislation does not specify any precedence for one or the other purpose). The purposes, broadly stated, are to upgrade existing personnel in the criminal justice system and to attract college graduates into the criminal justice field.

To date, more in-service personnel have received LEEP funding than have pre-service students. The GAO Report to the Congress indicated that 80% of all LEEP recipients in FY 1973 and FY 1974 were in-service students. (Problems in Administering Programs to Improve Law Enforcement Education dated June 1975.)

More recently, the amount an individual LEEP recipient can receive was increased by amendments to the Crime Control Act. At the same time, the total allocation for the LEEP program has remained at the same level of 40 million dollars a year. This has resulted in reducing the number of persons who are eligible to participate in the program. As a consequence, by administrative action a system of priorities was established, which has proportionately reduced the number of pre-service students who could receive LEEP loans.

The result has been that less priority is given to the objective of attracting new college graduates to the field of criminal justice.

This has broad implications for affirmative action policies in criminal justice. The stress on attracting minority and female students into the criminal justice field has not been supported by the present LEEP system of priorities and the congressional allocation of funds to the program.

Impact of LEEP generally on criminal justice educational programs

In addition to the impact of LEEP funds on students, there has been, as I indicated before, an impact on the number of criminal justice programs in recent years. Now, I would like to address myself to the question of the quality of these programs.

Bluntly, while LEEP funds have served to support high-quality programs in criminal justice education, they have also served to create and sustain programs of questionable quality. Using the criterion of fiscal and philosophical commitment of universities and colleges to the support of their criminal justice programs, one finds vast differences among the LEEP-funded colleges, with respect to the number of full-time, permanent faculty positions allocated to the programs by their college administration. The fact that full-time positions are allocated to a program and that academic tenure is granted to faculty occupying such positions

implies a firm and long-term commitment to the present and the future quality of the program. When this does not occur there is no significant commitment to the program.

Among other criteria one can use to gauge the quality of a criminal justice program is the commitment of general funds of a college to a program. In the case of public colleges, this commitment is not dependent to the same degree on tuition fees as is the case in private colleges. In my judgment, there is a significant number of private colleges which have begun and have sustained criminal justice programs on the basis of student tuition fees, which are ultimately paid by LEEP funds awarded to in-service personnel. It is my judgment, also, that these programs will not be continued by their colleges past the duration of the LEEP program because many of them are not capable of, nor interested in, making the investment of resources necessary for the maintenance of the program.

I have shared these comments with the current president of the Academy of Criminal Justice Sciences who administers a criminal justice program at the University of Alabama, and he informs me the observations I have made based primarily on institutions in Michigan that are not investing resources or making a commitment to criminal justice education generally applies throughout the United States. He mentions such states as California, Alabama, and Florida as examples and says that there are several schools in Alabama that have criminal justice education programs and do not even provide a program coordinator, in spite of the fact that several hundred students are enrolled and need academic advice and supervision. Many of us are convinced that when LEEP funds are no longer available, these criminal justice programs will be discontinued in both public and private institutions.

This raised the question, also, of the cost effectiveness of awarding disproportionately, larger sums of LEEP funds to colleges where tuition fees are the major source of revenue for these colleges. Apart from the question of equity regarding students attending different types of schools, there exists the question of what the Federal Government is getting for the dollar. The answer seems apparent to me. The investment in private colleges is not commensurate with the investment being made in other institutions regardless of whether one considers the question on a short- or long-term basis.

I would like to turn, now, to the questions of the relationship of the LEEP program to graduate education in criminal justice. Under present LEEP funding practice, students pursuing a master's or a doctoral degree in criminal justice are not given any preference over students pursuing an associate or a baccalaureate degree. This is problematic on at least three counts.

First, graduate students are those who have performed well as undergraduates and are often those in mid-career status in the field. That such students are more likely to be or become leaders and innovators in the field seems patently obvious to me.

Second, many of these students are also capable of teaching undergraduate courses under the supervision of full-time, experienced faculty members. Hence, they are making a major contribution to the instructional programs which offer graduate study.

Third, graduate students provide an invaluable and relatively-inexpensive resource for the continuing research conducted in criminal justice programs. This resource is particularly of value to LEAA and other agencies in the evaluation research conducted by faculty on the effectiveness of federally-funded projects aimed at crime control and the improvement of the criminal justice system. Without an adequate graduate program, it is extremely difficult to staff any research program. Further, the educational benefits to students involved in such research are of inestimable value because the research not only exposes them to research activities, but also allows for an exposure of the students to the realities of the operational aspects of criminal justice agencies. This exposure works two ways: It provides for experiential learning for the graduate students and provides an expanded linkage between colleges or universities and the agencies in the field.

Finally, it is my considered judgment that university research utilizing graduate students is of more value over a period of time to the field than is research conducted by private, commercial firms, for a number of reasons. Research conducted by a member of the faculty of a criminal justice program can draw upon the specialized skills from a number of other academic specializations in the university in which the program is located. Research findings can be disseminated to other students, quickly, without the long wait between completion of a research project and publication of its findings. Such research findings can also be

assured or permanence through incorporation into lectures and such information retrieval sources in universities as libraries and data archives.

The final broad issue I would like to address is that of accreditation of criminal justice programs. LEAA has largely refrained from making judgments, officially, about the quality of criminal justice programs with respect to the eligibility of criminal justice educational programs for LEEP allocation. I believe this is correct, but I also believe some effort should be made by the academic community, itself, to provide LEAA and other agencies with information and judgments about the quality of criminal justice programs. The Academy of Criminal Justice Sciences has been working on this problem for some years, now, and a committee, of which I am a member, has produced this year a first draft of "Proposed Program Accreditation Guidelines."

It is our hope that these guidelines will be of value to LEAA in making some of the decisions regarding LEEP policies in the future. The academy has received the endorsement of the International Association of Chiefs of Police in this effort and intends to continue its work to its ultimate conclusion.

THE MICHIGAN STATE UNIVERSITY EXPERIENCE IN CRIMINAL JUSTICE EDUCATION

The School of Criminal Justice at Michigan State University is one of the oldest and largest criminal justice programs in the country. It offers degrees at the baccalaureate, master's, and Ph.D. levels. Between 1935 and 1975, the school awarded 3,551 degrees to its graduates. We are proud of the school and can point to a number of outstanding graduates who have gone on to positions of national prominence in the field of criminal justice. Among these are H. Stuart Knight, the present Director of the U.S. Secret Service; Kenneth Giannoules, formerly the U.S. Domestic Chief of INTERPOL; Perry Johnson, the Director of the Michigan State Department of Corrections; Rod Puffer, the security chief of the NASA Houston Space Center; and many others of similar distinction.

The program is one which recently has completed a thorough curriculum revision at the baccalaureate and master's levels. In effect, the revision has followed the objective of producing criminal justice generalists at the baccalaureate level and students highly-skilled and knowledgeable to meet the increasingly complex demands in the administrative responsibilities of the criminal justice system. We are a program not content to rest on our laurels. The school now has 20 full-time *equivalent* faculty members. Currently it has an annual budget just under $500,000. This budget also supports a faculty member who supervises the school's internship program, and a full-time academic advisor.

At the present time, there are approximately 966 students enrolled in the school. This includes 590 juniors and seniors (our formal enrollment at the undergraduate level is limited to juniors and seniors), 109 master's students, and 25 candidates for the Ph. D. (242 lower division students).

Among the undergraduates, approximately 40% of the students are women and/or members of minority groups, and the overwhelming majority of these are pre-service students. In fact, 90% of all our undergraduates are pre-service students. At the graduate level, this figure is *approximately* 50%.

The school works closely with the University Placement Bureau and boasts a record between the years of 1935 and 1973 of placing approximately 85% of its graduates in the criminal justice field. Of those who found positions in the criminal justice field, 85% had been retained or elected to stay in the field as of 1973 (see School of Criminal Justice Graduate Study).

The school also has a research arm, the Criminal Justice Systems Center, which is involved in a large number of collaborative action research projects with criminal justice agencies, including the Michigan State Planning Agency.

Because of its location (away from a metropolitan area), the school does not have a large percentage of in-service students, although a number of students in that category commute some distance to attend classes at MSU. This has had repercussions for LEEP funding for our students as the in-service applicants for LEEP funds have been given priority over pre-service students.

During the period when our enrollment increased dramatically, our LEEP funding increased to a high of $283,000 in the 1972–73 school year and has decreased each subsequent year to the amount of $163,000 in the present school year. The present school year allocation is the lowest since the first year (1968–69) of LEEP funding, when the total LEEP expenditure for the university was $27,000.

The allocation in 1974 for one four-year program in Michigan, a program begun in 1971, was $275,000. This is in contrast to the MSU allocation of $237,000. That program had a total number of 400 criminal justice majors. Almost all of those students were part-time, in-service students. That program also reports only having 15 part-time faculty and no full-time faculty (I.A.C.P. Directory). Similar differences in LEEP allocations now exist between Michigan State University and newer programs located in more populous areas in Michigan.

The point of the preceding information is that the School of Criminal Justice at Michigan State University is in the position of having a prestigious national reputation in criminal justice education and is able to attract extremely well-qualified students, as well as faculty. But, in spite of this, the LEEP funding available to students is severely limited by the existing national availability of LEEP funds and the priority system upon which individuals are awarded.

Criminal Justice programs similar to that of Michigan State University have experienced the same type of problems with LEEP. I think [illegible] for such programs when I say that we are extremely impressed and satisfied with the intent of Congress to improve the educational levels of criminal justice personnel nationwide. At the same time, we are distressed by lack of funds available to our students and by the fact that LEEP funding has created and sustained criminal justice programs of dubious quality. We have met with LEAA personnel to discuss the above problems and are encouraged by their obvious similar concerns for the LEEP program and the future of criminal justice education. It remains for the Congress to work towards the resolution of these problems. I offer whatever further assistance we can give LEAA or the Congress toward that end.

Mr. BRANDSTATTER. Thank you. Well, as you have heard earlier this morning, there has been a considerable growth in criminal justice higher education in America, and, of course, I think the great percentage of that growth has occurred among the junior colleges throughout the Nation.

A similar growth has occurred in the 4-year institutions, although in 1966 and 1967, we had 39 programs and last year there were 376, representing about a tenfold increase in programs. The masters programs have not grown as rapidly. We have gone from 14 to 121, representing, roughly, a ninefold increase, while, the most dramatic increases have occurred in recent years when LEEP funding became available, which is good, and, needless to say, there has been a corresponding increase in growth in programs throughout the Nation and, of course, an increase in enrollments in those programs.

As somebody mentioned earlier this morning before the committee, there are an estimated 1,068 schools, most of them at the undergraduate and junior college level, and, of course, LEEP funds have been made available to students enrolled in these programs, and, based on the estimate of the GAO report that was recently submitted to Congress, that most of those people who are recipients of funds are inservice students, practitioners from the criminal justice system, which is good, and recently LEEP recipients received increases in those funds and individuals received increases as a result of amendments to the Crime Control Act, which means that the present level of funding, which is adequate, represents a decrease in the number of students who will be receiving support from those funds, plus the fact that the systems of priorities that have been established will also adversely affect the preservice students who are receiving funds from LEEP sources.

If you will recall, the purposes of LEEP were really twofold, generally stated, were the upgrading of existing personnel in the criminal justice system and to attract an increasingly large number of young men and women to the field who are college graduates, but without

previous experience. The fact that priorities exist now favoring preservice students reduces the number of preservice students being supported is an important consideration to make. This results in the fact that there are fewer minority students who will be supported as a result of LEEP's priority system because the criminal justice system, itself, has not encouraged or attracted sufficient minority persons to the system, and most of those who represent the minority community are entering the system through universities and colleges, the junior college programs, and 4-year institutions. So if we are going to continue to support and attract minority and female students to the criminal justice system, it seems to me that some priorities ought to be given to the preservice student, which is not the case at the moment.

Now, let me just mention briefly what has happened to the quality of educational programs. This is a great concern to those of us in higher education. As my statement indicates, Michigan State is one of the pioneer programs of the field. It has offered higher education for criminal justice and law enforcement since 1935. It is a recognition by an old land grant institution that we have a responsibility to serve one of the major activities of government in the United States, and we have provided educational opportunities for young men and women since 1935, having graduated over 3,000 people who are in various parts of the criminal justice system.

One of the things we have prided ourselves on is the high quality of our program, and we are deeply concerned about the fact that since LEEP funds have been made available, many programs of mediocre quality have been created and sustained, really by the efforts of LEEP, and too frequently we find in our own State, as well as other States, that programs of some universities and colleges, exist primarily on the availability of tuition funds, and they are not making a sufficient commitment of their own resources to the programs of criminal justice or law enforcement education. These institutions frequently call on members of the community on an adjunct basis to instruct the courses that are offered.

Needless to say, these programs do not measure up; yet, we find in our State, as well as in other States, that programs of this kind are given the majority of funds, and this concerns us, and we invite your attention to this inequity. I might add that I shared my comments that are on file with this committee with the president of the Academy of Criminal Justice Science.

Mr. MANN. Dr. Brandstatter, may I interrupt you? I think your testimony is very important, and I know I speak for Mr. Danielson and myself. We will go and answer rollcall and be back in 10 minutes. May we recess?

[A brief recess was taken.]

Mr. MANN. All right, thank you. The committee reconvenes. Dr. Brandstatter.

Dr. BRANDSTATTER. Thank you. I wanted to share my comments with the president of the Academy of Criminal Justice Sciences to determine whether the condition I described here exists throughout the country. He is Dr. George Felkenes, who is in charge of the University of Alabama program and he tells me that the condition does exist, and there are a number of programs in a number of States—I mention a few in my remarks—that do not even provide a program

coordinator, temporary people are called in to teach, so that the academic and career advising that is normally associated with programs of this kind does not exist, therefore, it raises a question in our minds, those of us who are committed to quality in higher education in this field, as to the cost effectiveness of awarding a disproportionately larger sum of LEEP funds to colleges where tuition fees are the major source of revenues for these colleges, and they do not make any commitment of their own resources to the program. This concerns us sufficiently so that a number of us have taken a leadership position, and are now developing accrediting criteria to deal with this question at the level of the respective institutions. We hope that at a meeting in March of the annual meeting of criminal justice educators that this criteria will be adopted by the Academy of Criminal Justice Sciences and, perhaps, be implemented and thus address the issue of the quality of these programs.

I would like to mention just briefly our concern about the lack of support for graduate education. Under present LEEP funding practice, students pursuing masters or doctors programs are not given any preference over students who are pursuing associate or baccalaureate degrees. We are concerned about this on three counts. First, graduate students in programs like ours—and I might add, we have the baccalaureate, the masters and the doctoral degree—there are students who have performed well as undergraduates and usually there are people who are in the middle of their careers. They are practitioners and most of the students enrolled in our advanced degree programs are practitioners who come out of the field and want to upgrade themselves. They get no preference in terms of LEEP funding, yet these students represent the potential leaders and innovators in a system that needs to make the changes to be more responsive to crime. A number of these students are capable of teaching at the undergraduate level in programs like ours which would be one way of conserving costs, and, as you know, in academic programs with graduate offerings, these people are used to teach undergraduate courses, at the introductory level, et cetera.

Finally, we feel that graduate students are a very valuable and relatively inexpensive resource for the continuing research that ought to be undertaken, and I agree with the observations that have been made before this subcommittee on the great need for extensive research. Research has been sadly neglected in our field, not only by academic institutions throughout the country, but also by the field itself, and there are many benefits that accrue to students who engage in research as well as to the criminal justice community.

The institutions that engage in research develop a linkage between the field and the institutions. The information obtained is much more readily available to a larger cross section of our society. Faculty who engage in research and who are funded to do research tend to write more than those who do not, and we urge that greater attention be given to the involvement of the universities and colleges who are serving criminal justice higher education needs, an opportunity to engage in research, rather than support programs and fund private agencies that generally do not have the same means of disseminating information, and certainly informing a cross section of young men and women in our institutions about the criminal justice problems in

our society. We reach thousands, literally thousands, of students who emerge much better informed and, as adults who enter the larger society and can cope more effectively with social problems. These are the kinds of potential dividends that we believe will develop from increasing the funding support of programs like ours, especially at the graduate level.

Earlier before this committee someone asked for more books. This is a very complex field we are studying. I think to ask for one book or two books is an oversimplistic approach to the issue of crime in our society. This is an extremely complex problem and only recently have we in America realized the very complex nature of crime and what it represents, and we need not one book, but we need shelves of books to be able to deal with the issue, be more informed to discuss and explore, and delve into the various concepts and ideas that have emerged from the criminal justice community based on either experimental or demonstration projects, or evaluative projects and pilot programs that have been tested in various communities.

We have our research activity in our program called the criminal justice system center, because the need for more research is increasingly apparent to all of us. One of the issues that we would like to address through research means is the fragmentation of the police service in our system of government. I am thoroughly convinced, having spent a great deal of my life in the system as a practitioner and as an academic, that until we do something with the fragmented nature of the system, itself, I do not think we are going to be able to significantly reduce crime because of its mobility. This is a fundamental issue that must be addressed.

The British recognized this in 1962 when they conducted similar studies to ours and restructured the entire system from well over 1,000 police departments to less than 50 today. We have got to do something like that, and I think through research we can develop pilot models, using a major geographic area such as a State to develop models designed to reduce fragmentation.

Mr. MANN. I was over there a couple of years ago, and the smallest force they had at that time was 600 men, a force which would enable them to have in-house programs for training and the like, that our fragmentation just does not permit, not to count all the other education problems.

Mr. BRANDSTATTER. They have created an optimum size police department—I think it is 600—and they will not permit any community to develop a police department unless it meets that optimum figure, and to me, this is the kind of program that makes sense, and it seems to me we ought to be moving in that direction, so there are some basic issues that ought to be addressed through LEAA and through research, and we can do this by relating to the Institute, if necessary, but certainly institutions like ours that have a capability for research but are confronted with the day-to-day responsibility of meeting classroom requirements—and we have a large number of students as I indicated. As a matter of fact, a few years ago the student enrollment in our program increased to well over 1,000 students, and we did not have the staff to accommodate that number of students. It was necessary for us to request at least nine additional faculty, and, needless to say, I did not get nine additional faculty, but we did get three last year. We conducted a study of our program

which resulted in a restricted enrollment because of our resource problems. We cannot afford to support that kind of enrollment.

So, we limit our students now to a little under 600 undergraduate students and 80 full-time equivalent masters candidates and 10 doctoral candidates, although as a result of a recent grant from LEAA 3 years ago, we did increase the enrollment at the doctoral level from 10 to 25, however that grant will be discontinued at the end of September. It is a 406 E grant, and the consortium that was developed will no longer exist. A new fellowship program being considered by LEAA will create some problems for us, I might add, because students have been encouraged to enroll in the doctoral program under the consortium arrangement and now the fellowships will not be continued beyond this year. They will become competitive, and we think this is unfortunate because we accepted additional students in the program, based on LEAA's commitment to us. A few years ago in terms of the midcareer concept that I mentioned earlier, LEAA did support fellowships for men in middle management of the police service particularly in order to encourage them to enroll in graduate programs with full funding; why that program was dropped and discontinued we do not know, but it was similar to other programs that exist in government where people at middle management and administrative levels, are encouraged to seek advanced degrees in order to upgrade themselves and to be more responsive to change and innovation.

Well, these are the kinds of concerns that we have. We strongly support the need for more research, but we think that the institutions of higher learning in this country ought to play a much larger role in this effort. Universities and colleges that have made a long-term commitment to criminal justice education ought to be involved much more intimately and supported much more than they have been by LEAA if we are going to make the progress that is necessary.

The problems vary across the country, and if we deal with the issue of fragmentation, we ought to develop pilot models based on sound research, based on sound data that can be replicated nationally and can have application nationwide, models that other States can adopt or adapt, models that are developed based on one State's experience.

Nothing like that has been done. It is all piecemeal, done in various counties or small communities, and we think that it ought to deal with a larger body or geographical area, at least as large as a State, in order to deal with the problem of fragmentation and develop different models because at least every State in the Union has very highly complex metropolitan areas, and they also have rural areas. We can develop models that address the problems of criminal justice in these areas; develop models that either are developed on the basis of structural organizational change or functional change. We are convinced that research of this kind is one of the critical needs of the Nation, and are also convinced that the institutions of higher learning in the tradition of American higher education ought to be involved much more in the research and the work and the activities of LEAA than they have been to date.

We strongly urge that some means be developed in order to permit this to occur. Too frequently the private management firms that are geared up and, prepared to provide the services LEAA wants are utilized and there are some advantages to that, but there are a lot of

disadvantages. One of the disadvantages is the mere fact that the research results are not made readily available to everyone, especially to the young people who represent the potential leadership of the criminal justice systems, and they are the students who are currently enrolled in the colleges and universities of America, whose programs address the criminal justice concerns of this country, and we feel strongly that colleges and universities ought to play a much more prominent role than they are now. They are willing to do it, but they need support and they need help.

Programs like ours, for instance, which have existed since 1935, when we suddenly experienced an increase in enrollment from about 400 students, which is about the plateau we reached prior to LEAA, to 1,000 or more students. This creates tremendous strains upon us and upon the institution itself. The requests for additional faculty to serve these students are considered and are provided, but on a very minimal basis, much less than we would want and expect, so the institutions themselves—Michigan State and a number of others that may have long-term commitment to this field ought to have more support from LEAA. A much sounder and continuing relationship should be developed also, particularly with respect to research.

We have been encouraging this relationship and recently we have been getting more attention, as we continue our discussions with the Attorney's General office, as well as to Mr. Velde and other members of his staff.

We realize these relationships do not develop over night, that it takes time to educate people and persuade them that we can provide a real service to the Nation as well as to our own State and to the students who are enrolled in criminal justice higher education and seek a career in the field.

Mr. Chairman, I think maybe I ought to stop at this point, and perhaps respond to some questions that you may have.

Mr. MANN. Congressman Danielson.

Mr. DANIELSON. Thank you very much for your very helpful presentation.

I only have a couple of questions.

Can you tell me to what extent is a student who is accepted—to what extent does he receive funds under the LEEP program?

Mr. BRANDSTATTER. Well, the student—as you perhaps know, the LEAA's program has a system of priorities, and most of the new students who are enrolled are what we call preservice students are not eligible now, in our district or region 5, for any support. A few years ago when the priorities did permit support for these students, even though they were low on a priority scale, nevertheless they were eligible to obtain funds. But now since the priorities have been modified preservice students are not eligible for support, because we are not located in a large metropolitan center, we are 90 miles from Detroit—we have a larger number of preservice students than in-service students at the undergraduate level, and therefore the amount of funds that we are receiving for students in this category are diminishing considerably.

Mr. DANIELSON. Well, I guess I stated it badly.

Suppose I am a student at your school; and suppose I now have qualified and have been accepted and I am going to get a grant. How much money do I get?

Mr. BRANDSTATTER. The grant has been changed recently. There has been an increase in funding. It is approximately $400, not to exceed $400 per semester, or $250 a quarter, if that is the grant or, for a loan, it cannot exceed $2,200 per academic year.

Mr. DANIELSON. Well you talked about plus some fees. The loan could be $2,200. What would be the amount of money that would not be the loan? I am going to call it a grant, and that implies I am not borrowing money, and I do not have to pay it back.

Mr. BRANDSTATTER. About $750 at Michigan State University.

Mr. DANIELSON. For a year?

Mr. BRANDSTATTER. Yes, sir.

Mr. DANIELSON. Can you get both the loan and the grant?

Mr. BRANDSTATTER. Generally they cannot, but if a student is an in-service student and is enrolled full time and the fee exceeds $250 per term then the student is eligible for a loan.

Mr. DANIELSON. You get the loan, or you get the grant depending on your status and the amount of the fee.

Mr. BRANDSTATTER. Yes, sir.

Mr. DANIELSON. Is that also true for your postgraduate candidates, those going for a master's or Ph. D.?

Mr. BRANDSTATTER. If they are eligible, yes, sir.

Mr. DANIELSON. The same dollars. Is that correct?

Mr. BRANDSTATTER. Yes, sir, that is correct.

Mr. DANIELSON. Suppose I borrow $2,200 and I am in your program. On the basis of your costs of going to school, how much more money would it cost me per year to go to school at Michigan State?

Mr. BRANDSTATTER. Well, we have been facing serious financial problems at Michigan State. I think we have increased the tuition three times in the last year. It would cost about $3,000.

Mr. DANIELSON. $3,000?

Mr. BRANDSTATTER. Yes. This is tuition, room and board, and personal expenses.

Mr. DANIELSON. Of course, when I went to school, you went on scratch for your room and board. You just did not eat if you were hungry.

But for $2,200, you would still have $800 to go, in other words.

Mr. BRANDSTATTER. You would still have need for some additional funds.

Mr. DANIELSON. Can a person be eligible under the GI bill and also under the LEEP?

Mr. BRANDSTATTER. Initially they were not, now, however a student is eligible for both if he qualifies.

Mr. DANIELSON. I think that is good. I believe in some responsibility.

I think you have good programs. What concerns me is that we have very serious budgetary problems. There are endless meritorious demands upon our public resources—cancer research, public transportation, the care of the sick and disabled, national defense, et cetera—and you cannot stretch the dollars forever.

We have a little budget deficit this year. I think it is going to be around $75 billion, so we are not even distributing money. We are distributing debt, you might say.

I think you have a good, meritorious program, but I really have worry as to, first, the extent to which supporting LEEP programs is a Federal responsibility under our Constitution. You can justify it, but is it a responsibility? And second, if so, how far do we go and to what extent does it take priority over other demands on our budget?

I favor your programs. I am just concerned about where we put our dollars.

Mr. BRANDSTATTER. Well, I appreciate that; and I share your concern. That is one of the reasons I wanted to testify before this group, because I think you can get a bigger bang for your buck and a better return on your investment.

Mr. DANIELSON. I think you are correct. I think we get a bigger bang for our buck out of your educational program than we do out of some of the helicopters with searchlights tied to the bottom, and so forth. Thank you.

Mr. BRANDSTATTER. Sir, it might be of interest to know that when I talk about the programs that we in the academic community believe to be substandard, students feel the same way. And it might be of interest for you to know that, because of the reputation of our program and our national prestige, we have nearly 100 students from over a 30-mile radius from East Lansing, that are enrolled in our program, because they do not want to enroll in the programs that are available in their own areas. Let me cite one dramatic case—it is hard to believe but we have one lady who flies in from Boston, Sunday night, and then spends 2 days in our graduate program and returns to Boston.

We have had other students who are police officers, commute from as far away as Chicago, to attend our graduate program. These are people in middle management roles and in midcareer, who want to attend our program. This is what is happening.

Mr. DANIELSON. May I inquire on that? I hope that these people are rich enough so that they can afford the luxury of commuting in that manner. We are not paying for that out of the Federal taxpayer's dollar, are we?

Mr. BRANDSTATTER. No, we are not. Actually, the Chicago police officer was commuting himself and supporting the cost—he drove from Chicago once a week, and there is no cost involved to LEAA or to the Government at all in the commuting that is taking place that I know of.

Mr. DANIELSON. Fine.

Mr. MANN. It is a little impertinent or brash of me, to ask you this, but it relates to research and finding solutions and to our failing. Law enforcement for too many years, meaning 150 years, was satisfied to do without quality personnel. It gave clear signals because of the lack of pay and the lack of tenure and the lack of many things.

We took a new look at that 10 years ago. And we are now—we have now compromised and we are settling for a mediocre plateau. We have achieved that plateau by these secondary institutions to which you refer. That still does not produce solutions. It still does not contribute to even the source information for such purposes.

Now, institutions like yours which provide for an expertise, intellectual foundation, to really make a contribution to society as, for example, if we look at the scientific community and were willing to settle for the mechanic instead of the Ph. D. in biology or something, we would have a related situation. And if we look at the science community and we found the National Science Foundation does recognize the academic institutions of this country as capable of doing some productive research. So your conclusion, and I presume mine, is that, unless we provide the highest quality of personnel through programs not necessarily of standards but certainly excellent programs, such as are in existence at Michigan State, and I am sure at other institutions, many other institutions across the country, but do not exist with the preponderance of institutions that have taken on the job after LEEP funds became available.

Now, those, I will use the term, second-level institutions, are of course performing a worthwhile purpose in the training of in-service personnel, primarily, and some preservice personnel.

I would hope that we can develop the motivation where all preservice personnel now have the potential to become the baccalaureate or the graduate student in criminal justice, and so, by our lack of emphasis on the quality of personnel, reflected in our lack of producing graduates, or motivation of competent people to seek graduate degrees in criminology or criminal justice, we have not sounded the trumpet very firmly. And therefore we are making slow progress in that direction.

Now, do you basically agree with my rambling? Do you?

Mr. BRANDSTATTER. Yes; I do. Yes, sir.

Mr. MANN. Now, at the same time, I expressed concern about when one mentions that word "accreditation." I realize that some institutions such as yours might set standards that are exclusive. But, at the same time, I recognize the need to develop some standards, some educational standards; and I am assuming that your group will come forward with some basic minimum criteria, perhaps, for the guidance of LEAA, and the graduate grant program.

And I inquire as to whether or not you will have anything within the next 60 days which might take some legislative form insofar as this committee is concerned—60 days is stretching it a little bit—if not in precise A B C form, at least in editorial form, so that we can incorporate it as a part of our report or as a part of the preamble to the legislation itself.

Do you have anything?

Mr. BRANDSTATTER. I think we can respond to your request, Mr. Chairman. Next month, in March, the national meeting of the Academy of Criminal Justice Sciences will be held, and the report of the accreditation committee will be submitted to the membership. Assuming the membership adopts that report it will be available, and I will be very happy to send it to you, sir, if that occurs. Or even if it is not approved, we can send copies of it to you, so you can get some idea of what the criteria are that is being considered.

Mr. MANN. Of course, ultimately, we are going to be talking about priorities to the fullest, because, as Congressman Danielson's question indicated, a year or two ago the LEAA stopped having enough funds

to furnish the preservice students, so they restricted the grants to in-service personnel. And, in my State, I do not think they have made any graduate grants. It is a small baccalaureate program to established universities.

I think there is still a role for those institutions to play. But, to use the words of Ms. Carey, it amounts to little more than fiscal relief from the Government; it does not amount to real contributions and solutions that we are all seeking. But nevertheless, we may find it appropriate to continue the fiscal relief at that level, because it is the purpose to be served. That is, the training of the law enforcement officer is still the purpose.

Well, I have about run down. Does Counsel have any questions?

Ms. FREED. I have two brief questions.

I assume that you made some of these views known to LEAA and, as I understand from your statement, that you have a proposed program for accreditation guidelines in existence. Now, have you offered those to LEAA?

Mr. BRANDSTATTER. We will offer them as soon as they are approved by ACJS. Yes.

Ms. FREED. Are you aware of any reliable criteria that LEAA uses at present to judge the quality of university programs that they fund?

Mr. BRANDSTATTER. What we have suggested in region 5—and I met with LEAA representatives who staff the region 5 office—is that certain criteria be established in academic programs in that region. As I recall our recommendations, and this was by about a dozen of us that were convened by region 5 personnel—that any associate arts degree program have at least one full-time coordinator employed before they receive any LEEP funding. So that there is at least one person who has responsibility for administering the program; and that all baccalaureate degree programs have at least three people employed, that is full time equivalent faculty members whose responsibilities are to teach, to administer, and to advise students, academically, and provide career counseling before any LEEP funding is made available to those institutions.

Now, region 5 group and the staff have accepted those criteria, and have implemented them in our region. Whether this is occurring across the country, I do not know. That is an attempt to establish some degree of limited standards.

Ms. FREED. Thank you. That is helpful.

The other question I have concerned Ms. Carey's previous testimony. She was concerned about the quality of the present institute research, because she said it was influenced by the politics and priorities of the administration and that changes rather often.

Is it your suggestion that established universities could fulfill some of the research responsibilities and still be excluded from certain politics?

Mr. BRANDSTATTER. Yes. We would not be influenced, obviously, by the political pressures and influences that are brought to bear upon the Government agencies.

Universities, generally, are not functioning at the operational level in our society and we would suggest that we identify, jointly as I have suggested earlier, some of the really basic issues, such as the fragmentation of the police service and the court systems; and let us address

those issues through a research program, in collaboration and cooperation with the Institute. We could do this without being concerned about the political implications of what we might be doing.

Ms. FREED. Thank you.

I have no further questions.

Mr. MANN. Mr. Gekas.

Mr. GEKAS. A couple of quick ones.

Do you have, does Michigan State School of Criminal Justice, are they performing any research under a grant from the LEAA? Or from specifically, the Institute?

Mr. BRANDSTATTER, We are now a part of the seven university consortium that was established to promote higher education, doctoral education, really, in institutions of higher learning. At the time we received the grant, we did have a doctoral program, and so did the University of Maryland. None of the other institutions had, and we were providing a subtle form of leadership to the other institutions that were part of the consortium, and some of them have established graduate education, but not all of them have established a doctoral program. Therefore we are engaged in research under the existing grant.

Northeastern University, which is also part of the consortium, has a doctoral program in forensic science, and is one of the institutions that achieved the objective that the grant established.

Mr. GEKAS. Has it been—the question of political influence and the changing priorities of the research administration like the National Institute is a disturbing one.

And this may be out of context. But it occurs that like perhaps the head of the General Accounting Office, and I think there are others, I think maybe we ought to appoint the head of the National Institute or some similar organization on a 10-year basis, at least 10 years, would be his tenure.

Mr. BRANDSTATTER. I must really, in all candor, say that I do not know about political influence or its impact upon the Institute. I am not knowledgeable; and I cannot speak to that issue. I assume that some people who do know about that can discuss it, knowing that it does exist, but I do not—again, I am not concerned, as an academic, with political influence. I realize this occurs in the real world; and I am very appreciative of that, having been in the real world myself.

Mr. GEKAS. Maybe the way to ask the question—and I will finish it myself—is to say that research in criminal justice which it was called here, intractable, is something that really is a long-term project. We cannot, you know, it cannot be expected that, whether criminal enforcement or in social science research the answers have a quick fix on a 2- to 3-year basis.

Mr. BRANDSTATTER. I do not think there is an overnight solution to this issue. I agree it is a long-term project, which will take a generation or two to really get at some of the basic issues and bring about some of the changes. But I think we ought to identify those issues and problems that are basic and fundamental to the system, and address those because it is going to take a long time to bring about the changes.

When you consider States like Michigan, which have a strong home rule concept, it is going to take a long time to bring about the kind of

regionalization, restructuring either by function or organization in our State. However, I think it is going to occur. It is inevitable. It has got to occur. We cannot afford the cost of the fragmentation that exists now, plus all of the other problems that develop—the jurisdictional disputes, and the failure to really provide a quality criminal justice system, as a result. Nevertheless, even though I recognize all of the problems, we ought to get started, and we ought to be able to provide the basic data needed, to develop model plans, and so forth, so that those elected to public office or appointed to public office have something to examine, a plan of some kind that addresses the issues, developed on the kind of hard data that is sound and effective and supports the plan. And nothing like that exists today.

Mr. GEKAS. Thank you, Mr. Chairman.

Mr. MANN. Now, Mr. Danielson.

Mr. DANIELSON. I would like to ask one more item.

I am interested in how many different manners there are in which your school would receive aid directly or indirectly from LEAA. Some of your students get LEEP grants?

Mr. BRANDSTATTER. Yes, sir.

Mr. DANIELSON. You have some grants in connection with your research program?

Mr. BRANDSTATTER. Yes; we do. That is under the 406 E funding.

Mr. DANIELSON. Do you receive any LEAA funds from a different channel than the student grants and the research?

Mr. BRANDSTATTER. We have received some from the region and have developed some in-service training programs for the regional office, and then——

Mr. DANIELSON. In-service training—is that funding directly from LEAA to your school?

Mr. BRANDSTATTER. From the regional office to the school—yes.

Mr. DANIELSON. The regional offices of what?

Mr. BRANDSTATTER. LEAA region 5.

Mr. DANIELSON. Are there any others?

Mr. BRANDSTATTER. The other source of funding is the money made available to the State planning agency in Michigan, and it is called the Office of Criminal Justice Programs; and we have received some funding from them.

Mr. DANIELSON. That would be four. Then, those that are channeled through the State agencies, those that come from the regional office of LEAA, and to your in-service training, the research grants, and then, of course, indirectly the aid given to students.

Mr. BRANDSTATTER. Yes. Those are the sources.

Mr. DANIELSON. Are there any other sources? That is five channels——

Mr. BRANDSTATTER. I do not know of any other sources, other than the discretionary funds which may come from the office here in Washington.

Mr. DANIELSON. Well; that could be a sixth channel.

Mr. BRANDSTATTER, Yes; it could be.

Mr. MANN. Doctor, we very much appreciate your being here.

Mr. BRANDSTATTER. It was a pleasure to be here. Good luck.

Mr. MANN. The meeting stands adjourned.

[Whereupon, at 1:15 p.m., the subcommittee adjourned, subject to the call of the Chair.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

FRIDAY, FEBRUARY 27, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m. in room 2141, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers and McClory.

Also present: Maurice A. Barboza, counsel; Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. Our first witness will be Representative Paul Rosenbaum. Please come forward, sir. We will not swear you in. Welcome to the House Judiciary Subcommittee on Crime as we continue hearings on the Reauthorization of the Law Enforcement Assistance Administration.

We note that our first witness today is a member of the Michigan Legislature and chairman of its Judiciary Committee, representing Battle Creek; he is a practicing attorney, and is quite knowledgeable in the subject matter that brings him to this subcommittee. We appreciate your prepared statement. It will be entered into the record at this time.

[The prepared statement of Hon. Paul A. Rosenbaum follows:]

STATEMENT OF REPRESENTATIVE PAUL A. ROSENBAUM, CHAIRMAN, MICHIGAN HOUSE JUDICIARY COMMITTEE; APPEARING ON BEHALF OF THE NATIONAL CONFERENCE OF STATE LEGISLATURES

I would first like to express my gratitude to Congressman Conyers and the distinguished members of the Subcommittee on Crime for the opportunity to be here today. I am speaking on behalf of the National Conference of State Legislatures, an organization made up of 7,600 State Legislators and staff members from all fifty states.

As a member of that organization and as Chairman of Michigan's House Judiciary Committee, I would like to offer for your consideration the reasons for which I am supporting the continuation and improvement of the Law Enforcement Assistance Administration (LEAA). These reasons fall basically into two categories, the first being the potential role this program can play in fighting and preventing criminal activity, both in Michigan and other states; and the dramatic fiscal impact the discontinuation of the LEAA would have upon the states that make up this great nation.

In addition, I would like to outline the reasons for which I am in favor of amending the Crime Control Act in order to make this program an even more effective tool for states and local units.

There are several important reasons why the LEAA program should be continued. It has been a valuable tool for the establishment of community centers for the treatment of victims, and the development of programs through which we contact and open lines of communication with our nation's youths.

Wayne County, the major metropolitan area of my home state, exemplifies the value of this program within Michigan. With funds made available through the LEAA, the Detroit Police Department established a Sexual Assault Crisis Center within the Detroit General Hospital. This center has been in full operation for less than 3 months and has, to date, provided treatment, counseling and assistance to 131 rape victims. This center also provides followup assistance in the form of group discussions, self-defense techniques and an information program which includes public speakers. Under this program, no application for assistance is denied.

LEAA funds have also been used by the Detroit Police Department to purchase textbooks and hire teachers for a criminal justice program within area high schools. Within Wayne County alone, this program has provided valuable information and insight to hundreds of students who previously had little or no access to the career opportunities available to them within the area of criminal justice.

During the first 6 months of 1975, the Detroit Police Department used LEAA funds to establish a pilot ministation within the fifth precinct. This pilot station was used to evaluate the effectiveness of such a project on a larger scale. During that time, the fifth precinct experienced the least increase in crime rate of any other Detroit precinct. Using LEAA funds, 20 such ministations have been established throughout Detroit, and they are aiming at the establishment of an additional 15–20 stations.

This concept of the ministations was only one phase of Project Decentralization. The ultimate goals of which are to (1) reduce crime and the fear of crime; (2) increase efficiency; and (3) improve community relations. Among other things, this program has enabled the development of sophisticated crime analysis and prevention programs.

Also as a result of LEAA, Wayne County has been able to implement a law enforcement education program. This program has provided incentive to police officers to improve their educations, resulting in a consequent improvement in the caliber of police administration. Education upgrading has enabled departments to make the educational requirements for promotion more stringent. In 1966, 75 percent of all police officers in Wayne County had never attended college. At this time, 33 percent of all police officers have at least a full year of college education, and over 20 percent of all command officers have a 4-year degree. By 1980, if this program is continued, it will be mandatory for all officers from the level of inspector on up to have a bachelor's degree. Besides improving the quality of police administrators, this program broadens officers' perspectives and community outlook. There is no question that it has had a direct impact on the efficiency, professionalism, and morale of the department.

Obviously, the impact of the LEAA upon Wayne County has been enormous. In addition to the programs already mentioned, LEAA funds have provided a grant for legal advisors to keep police officers abreast of recent changes in the law, and made possible the 9–1–1 emergency telephone number system in Detroit which processes about 1.8 million calls annually.

This is only the beginning of what LEAA funds have accomplished. Outside of police departments, this money has gone toward improved adjudication procedures, correction facilities and juvenile programs. Within these categories, we have established prison health care units, research centers, community based treatment facilities, halfway houses, diagnosis and treatment programs, training programs, improved prosecutorial and defense programs, and much more.

Let me point out, however, that I have chosen Wayne County as only one example of what has been accomplished within my home State. Similar programs have been implemented throughout Michigan and every other State in this Nation. It would be difficult, if not impossible, to overestimate the importance of the Law Enforcement Assistance Administration as a tool by which to improve law enforcement and related programs throughout the country.

While I want to stress the tremendous value of this program to every State in the Nation, I also want to underline the fact that there is room for substantial improvement. Improvement which, by the way, carries no fiscal impact but which could coordinate and mesh the LEAA program with State expenditures in criminal justice programs.

At this time, LEAA block grant funds are received by each State's State planning agency. These funds are allocated among the several State, city and county criminal justice agencies by the State planning agency.

There is minimal legislative input into the decisionmaking process whereby these funds are allocated.

The lack of control by State legislatures regarding the allocation of LEAA block grants causes problems of program duplication and raises the question of who picks up the price tag for programs which have been implemented when and if

LEAA funds are no longer available. Furthermore, the way the program is now set up, it circumvents legislative decisionmaking and encourages a disproportionately high expenditure of LEAA funds by police departments on communications equipment and other law enforcement hardware. Many of these funds could be more effectively used by concentrating on crime prevention and community center facilities.

In my opinion, more appropriate attention would be given to these alternatives if the allocation of funds were subject to legislative approval. By definition, it is the State legislatures which are in the best position to obtain, retain and act upon knowledge of the statewide system as a whole.

It is both my personal opinion, and a policy of the National Conference of State Legislatures that, if this is to be a State and local program, then the needs of States should be largely determined by their elected policymakers.

The problem is not confined to block grants. Discretionary grants made by the LEAA are sent from Washington directly to local units or State departments, and are subject to no legislative input whatsoever. Once again, it is unclear who is to be responsible for picking up the expense for programs implemented under discretionary grants if LEAA funds are discontinued. I have heard the argument that programs instituted through discretionary funds are considered pilot or experimental projects. They are not, so to speak, considered permanent wards of discretionary funding.

Supposing, however, a project funded and implemented through the use of discretionary funds proved to be highly successful. Suppose also that discretionary funds for that project are no longer available. Who, then, is responsible for picking up that expense? Is it the State, the county or the local unit of Government? If it is none of these, and if the program, however successful, were to be dropped, then of what possible use was its original implementation? But if one of these governmental units is to pick up the cost, then which one?

If it is the State who is to assume this financial responsibility, then it stands to reason that State legislatures should receive a proportionate share of the decisionmaking authority regarding the allocation of these funds.

Clearly, the answers to these questions need to be spelled out, both for discretionary and for block grant funds. In my opinion, to extract the greatest possible value and efficiency from the funds made available to States through the LEAA, it is necessary to increase legislative input.

By providing State legislatures with a statutory option to approve the allocation of LEAA funds, we increase the involvement of each State as a whole. State legislatures would be able to more closely oversee the ways in which programs are administered. This, in turn, would make the LEAA program more accountable for the ways in which funds are spent. As it stands now, there is little or no contact between the legislature and recipients of LEAA funds, and I share the concern of many of my legislative colleagues that local police departments and correction facilities are continuing to engage in hiring practices which discriminate against Blacks and women.

Whether or not you agree with my opinion that State legislatures need greater control over LEAA funds, the fact remains that such input is legally impossible under the current language of the Omnibus Crime Control and Safe Streets Act.

Legal opinions have been issued which outline the fact that State legislation used to change priorities and the comprehensiveness of State plans would be considered inconsistent with the act.

I urge you to give serious consideration to amending the Omnibus Crime Control and Safe Streets Act of 1968 in order to clear up the problems I have delineated. Suggested language for an amendment to Section 203 of that Act has been prepared by the National Conference of State Legislatures and reads as follows:

The second sentence of Section 203 (a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "Such agency shall be created under state law and subject to the jurisdiction of the chief executive officer of the state."

Section 203 (b) (3) is amended by inserting after the first sentence the following language: "At the request of the state legislature or a body it designates the comprehensive statewide plan shall be submitted to the legislature for its approval, amendment, or disapproval of the goals, priorities and standards which comprise the basis of that plan, prior to its submission to the Federal Government. The state legislature shall be notified of substantial modifications to the goals, priorities, and standards. At the legislature's request, these modifications shall be submitted to the legislature for approval, amendment, or disapproval, If the legislature (while in session) or an interim body designated by the legislature while not in

session) has not approved, amended, or disapproved the goals, priorities, and standards of the plan within 45 days after receipt of such plans, or within 30 days after receipt of substantial modifications, such plan or modifications shall then be deemed approved."

It is my hope that I have communicated to you the serious nature of the problems posed to State Legislatures by their virtual omission from the decision making processes regarding allocation of LEAA funds. In no way, however, can these problems be considered any greater than the dramatic implications that would result if the LEAA program were discontinued altogether.

As of January, 1976, our nation was faced with a seasonally adjusted unemployment rate of 7.8 percent. Due to economic factors unique in our state, Michigan was faced with an unemployment rate of 12.5 percent. Everyone here today, I am sure, is aware of the tremendous economic problems now facing our country.

These economic problems are common to every state, and are exaggerated in Michigan. Our projected incoming revenue from state and federal sources for this fiscal year does not begin to match our expenditures. We are now faced with a budget deficit of at least $200 million, and that figure could well go as high as $500 million. I can assure all of you here today that the fiscal crisis in Michigan is very real and very frightening. Equally as frightening would be the possible removal of $17 million in federal LEAA funds. Courts would suffer, police departments would suffer, correction facilities would suffer, and most important, people would suffer. Only criminals would prosper, and God knows they're getting along too well as it is.

Faced, as we are, with an enormous and increasing budget deficit, where could we turn to obtain the revenue necessary to support the programs which have been implemented with LEAA funds? I urge all of you present to take into consideration the fact that the deficit we are now experiencing in Michigan is not the result of fiscal carelessness. It is largely the upshot of national economic policies and conditions which are beyond our control. Inflation has skyrocketed, we are beset with shortages of every type, unemployment has increased, and our welfare rolls have expanded to the point that Michigan taxpayers are literally groaning under the financial burden imposed by a combination of state-supported services and inflationary cost increases. Michigan is now collecting more tax dollars per capita than any other state in the nation. In spite of this, we are now confronted with the imminent possibility of reducing state services, laying off state employees, or both.

In the face of this grim alternative, we now must consider the possible discontinuation of LEAA funds. The increased burden that would result from that discontinuation is not one which could be borne gracefully or with any semblance of dignity. I respectfully submit to you that we, in Michigan, simply could not withstand the increased financial burden. Some programs, now funded through LEAA, would be dropped. Others would be drastically reduced. We would be faced with the financial burden of leftover employees, rented buildings and operational costs which would be beyond our capacity to shoulder.

A side effect of Michigan's high unemployment rate has been an increase in the rate of street crime. Partially in response to that, the Michigan Legislature has leaned toward and implemented bills which establish mandatory sentencing provisions.

These bills, recently signed into law, will certainly increase the burden on our correction facilities. We can, then, expect a consequent increased impact on our state's budget.

Discontinuation of the LEAA program would literally pull an already well-worn rug out from under our feet and give a magic carpet to criminal offenders. Such a proposal cannot be any more offensive to me than to any of you, for similar situations must exist in your states, also.

Only recently, we were faced with the presidential veto of federal legislation which would have poured millions of dollars and thousands of jobs into every state in this nation. We cannot withstand a continuation of federal policy which does not recognize our needs.

An example of the breakdown in communication between state and federal levels of government is exemplified by pending federal legislation which would earmark a portion of Block and Discretionary funds for the use of courts. It is the goal of the bill's sponsor to improve court systems within states, and I subscribe to his intent. However, it is my belief that courts within Michigan and other states are already suffering from a lack of coordination and oversight. To put more money into a system which is already suffering from disorganization

is to engage in misappropriation. I propose first that we talk in terms of statewide financing and consequent coordination of our court systems. When and if we can accomplish that objective, then, and only then, will we be prepared to earmark funds for court use.

It is possible, though, that my concern over earmarked Discretionary and Block Grant funds is premature. The question still remains whether or not there will be enough funds.

If there are not, do you think Michigan, or any other financially-beleaguered state, will be able to continue operating Sexual Assault Crisis Centers? Or LEAA-funded Half-Way Houses? Or High School Career Programs? Would we be able to continue funding for Community Centers, or the Law Enforcement Education Program? Would we be able to keep pace with rising crime? In Michigan: simply and plainly, no. We could not. We need Law Enforcement Assistance Administration funds for all of this and more.

The discontinuation of this program certainly carries a greater price tag than its extension. It is a price tag that would ultimately be picked up by the people. It is a burden that is measured not in dollars, but in the crime rate. It is my opinion, and I hope it is yours, that the price is too dear and the risk too great.

TESTIMONY OF PAUL ROSENBAUM, ON BEHALF OF THE COMMITTEE ON THE JUDICIARY, MICHIGAN STATE LEGISLATURE, REPRESENTING THE NATIONAL CONFERENCE OF STATE LEGISLATURES; ACCOMPANIED BY JEFFERY L. ESSER, SPECIAL ASSISTANT FOR CRIMINAL JUSTICE AND CONSUMER AFFAIRS, NCSL

Mr. ROSENBAUM. Thank you, Congressman Conyers and distinguished members of the subcommittee. You have my prepared testimony. I don't particularly like to read things. I feel fairly strong on this issue to begin with. Wayne County, the major metropolitan area of my home State exemplifies the value of the program in my hometown.

We have LEAA funds used by the police department to purchase textbooks and hire teachers for the criminal justice program within our high schools. During the first 6 months of 1975 the Detroit Police Department used LEAA funds to establish a ministation within the fifth precinct. These were only one phase of decentralization, the ultimate goals of which are to reduce crime and the fear of crime and to improve community relations.

We also have been able to implement a law enforcement education program. In 1966, 75 percent of all police officers in Wayne County had never attended college. At this time 33 percent of all police officers have at least a full year of college education. Over 20 percent of all command officers have a 4-year degree. By 1980 if the program is continued, it will be mandatory for all officers from the level of inspector on up to have a bachelor's degree. The more education our police departments get, I think the better off we will all be on that in terms of dealing with the general public.

We have a 911 emergency telephone number system that serves 1.8 million calls annually. That situation has a complaint record——

Mr. CONYERS. It is horrible. I use it.

Mr. ROSENBAUM. It breaks down not because of the system. It breaks down because once the system is operative, they don't get there on time. The complaints record is point 002.

Mr. CONYERS. I want you to talk to some police officers with the Detroit Police Force that have to beg the operators to send police cars to back up their action on the streets.

Mr. ROSENBAUM. I agree with you on that. What I am saying is that the program is good in terms of the call. After the call is made, that is where the problem starts. I don't think we are in too much disagreement on that aspect.

I briefly talked about the value of the program to every State in the Nation, particularly to my State, there is room, however, for substantial improvement in this LEAA program, improvement which carries no fiscal impact but which could coordinate and measure the LEAA program. At this time the LEAA block funds are received by each State's planning agency.

These funds are allocated among the several States, city and county criminal justice agencies by the State planning agency. Allocations are made according to requests submitted by regional planning councils, the State planning agencies and are subject to Federal approval.

The problem is, the lack of control regarding the allocation of LEAA block grants, and that causes problems to me as a State legislator. It is ironic that I am here today. Mr. Chairman, last week as chairman of the House Judiciary Committee, I looked into the request by the Supreme Court Administrator's office for 13 new circuit court judges in the State of Michigan.

While we were hearing testimony from various county boards of commissioners and from the courts on the new judgeships, the one recurring theme was, "Representative Rosenbaum, it is great that you want circuit court judges and that you have the power to do so. Why don't you involve us in it because you make the decision and we have to pay the bills for the thing."

I said, well, that is true. You have very little decisionmaking process on this other than the fact to come here and tell us yes, you can afford it, and whether you have the space requirement for it.

We make the decision and give it to the county board of commissioners and they say it is great, but where are they going to get the funding? Why don't you involve us in the decisionmaking process?

We have a Presidential primary coming up in the State of Michigan and the Michigan Legislature in its wisdom decided to hold that primary and allocated a $2 million pricetag to the local governments. They turned around and said we can't pay for it so who is?

It is ironic for me to say you make the decisions but why don't you include the State governments as well. I have that on a day-to-day basis in Lansing and now I am saying it to you. It is both my personal opinion and the opinion of the National Conference of State Legislatures that the needs of States should be determined by their elected policymakers.

The problem is not confined to block grants or discretionary grants made by the LEAA sent from Washington directly to local units and are subject to no legislative input. It is unclear who is responsible for picking up expenses for programs under discretionary grants if these funds are discontinued.

I have heard the argument that these programs are considered pilot projects. They are not considered permanent wards of discretionary funds. Suppose a project implemented through these funds proved to be highly successful?

Suppose also that discretionary funds from the project are no longer available?

Who then is responsible for picking up that expense? If it is the State or—is it the county or the local units of government? If it is none of these and the program, however successful, were to be dropped, what possible use was its original implementation?

I am an ex officio member of a commission that decides how to use that money. At the same time, the legislature has no statutory authority to look at it. As chairman of the House Judiciary Committee, I have an awful lot of things to do. If you don't tell me that I have a statutory authority or an obligation to look at that program fund, I am not going to do it.

There are too many things to do in 1 day. If you tell me I have an obligation to look at the requirements, then I am going to do it. I think that holds true for you people here as well as people in the State legislatures across the country. One of the things that I have to stress very strongly is that I want to be able to have statutory authority to review the goals and priorities of the LEAA fundings. I don't under any circumstance want to get involved in the nitty-gritty decision-making process.

I am not interested in specific pieces of legislation. I am not interested in specific details because if the legislature had to approve specific details of a program, then you are talking about legislation. Then you are talking about personalities and you are talking about 1 or 2 or 3 people that can hold up $17 million of funds in the State of Michigan or $12 million of funds in some other State.

All I want to have in terms of my interest in this is to at least from a statutory point of view have some degree of authority to review the standards, goals and priorities but not to have veto power over it and not to get into specific details that would bog down the whole system.

I think there should be some amendatory language to allow us to have a statutory option to review the major goals and priorities. I can't stress that strongly enough.

Legal opinions have been issued which outline the fact that State legislation used to change priorities and the comprehensiveness of State plans would be considered inconsistent with the act.

I urge you to give serious consideration to amending the Omnibus Crime Control and Safe Streets Act of 1968 in order to clear up the problems I have delineated.

It is my hope that I have communicated to you the serious nature of the problems posed to State legislatures by their virtual omission from the decision making processes regarding allocation of LEAA Funds.

In no way, however, can these problems be considered any greater than the dramatic implications that would result if the LEAA program were discontinued altogether.

We have a $200 million deficit in the State of Michigan as of today. This figure can go as high as $500 million. At the end of this proposed year—and I think Congressman Conyers will get a kick out of this one—we are going to go to a 15-month fiscal year basis as of this time. At the end of a 15-month fiscal year basis, the proposed budget in the State of Michigan is $100,000 surplus.

That is about 22 minutes of operation of our State government. If, indeed, there were serious cuts in LEAA funding for the State of Michigan, we would indeed be in serious trouble. We are somewhere

between $200 million and $300 million in the hole right now. We have a serious fiscal crisis.

Depending on what kind of LEAA funds come into the State of Michigan it is important for this reason: As chairman of the House Judiciary Committee, we passed a 2-year mandatory gun bill; 2-year mandatory sentence for illegal use of a handgun during the course of a felony, 5 on the second, and 10 on the third. There was sentiment in Michigan to start dealing on mandatory sentencing provisions.

What I have told everybody is that if you want to pass a mandatory sentencing bill, you have got to be prepared—that means the general public—prepared to foot the bill for it.

One does not come without the other. If you start passing mandatory sentencing bills, the Department of Corrections budgets in every State and the Federal Government is going to have to be increased tenfold in order to pay that bill.

If you want to put people away for life, you have to be committed to paying for it. The LEAA funding becomes that much more critical in the whole process. If you start cutting the price tag to the States and especially to the State of Michigan in light of the type of bills that we are passing, we only become that much more in the hole.

One other thing I would like to mention is the Kennedy concept. In my personal experience, I think this would be the most disastrous thing that this Congress could do. The courts across this country are mixed up enough as it is right now.

There is very little consistency with them. We have a bill in conference right now that will give you a classic example. The fees to take examination, the bar examination in the State of Michigan is set by statute. Six months after the Michigan Supreme Court raised the fees, they came to me and said by the way we did this 6 months ago. Would you please enact a statute and comply with our request?

I said I will do it this time but never again. The Senate now says let the courts operate on that thing anyway. By Michigan court rules, the courts are more and more infringing upon the legislative responsibilities. I think you are going to reach a point in time where they have already started making legislative decisions rather than judicial decisions. If you start putting that type of money into the courts without a total reorganization of the courts—we have in the State of Michigan a bill prepared by me dealing with statewide financing of the courts.

If you want to put discretionary and block funds into the courts, first have a reorganization of the courts. We have no money to do it right now. After reorganization I think a program like the Kennedy plan would be more feasible than it is now.

The other thing which I want to stress very much is that in my dealings, at least in the State of Michigan, the key to the criminal justice system in that State or in any other State across this country is local county prosecutors.

When you have situations where the local county prosecutor has staff that basically does not know where the bathroom is for 2½ years after they come in there and where you have people, hardened criminals in the system that can give them a lesson in the operation of law 10 times better than any one of those local prosecutors, you are going to have a breakdown in the system.

The plea bargaining in this country is predicated on the inability of local prosecutors to know what they are doing.

You may have one guy who is a local prosecutor who has been elected by the people. He has not practiced law in 10 years. The people who come in are right out of law school and they stay for a year and a half and by the time they find out what it is all about, they go in private practice.

The people who are being tried in the system are more knowledgeable of the system than the prosecutors and the assistant prosecutors are. It is a joke, an absolute joke.

Mr. CONYERS. You say the defendants are more knowledgeable about the system than the prosecuting attorneys.

Mr. ROSENBAUM. There is no question in my mind they are. I am a practicing attorney. I have dealt in the courts. I have gotten exposure to it. You have guys coming out of law school and they basically do not know what they are doing. They are being paid $13,000 a year or $14,000 a year.

The janitor in the county building is making more than the assistant prosecutor is. The assistant sheriff and the captain in the department are making at least $3,000 more than they are. If this country is not committed to upgrading that local prosecutor's office, you are going to have a run around.

Mr. CONYERS. What law school do the defendants attend?

Mr. ROSENBAUM. Basically if they are repeaters they are in jail. You would be amazed what kind of a legal system they have. I was on the American Bar Association Prison Reform Committee which I had some strong feelings on, and I spent some time visiting at McNeal Island and I have been all over this country, seeing corrections facilities.

We have programs where you have got guys in prison today that are very knowledgeable with the legal tools they have—it is amazing. Some of the law books are 10 years out of date and they are still good attorneys.

What do they have time to do with themselves but to look at their own appeals?

Mr. CONYERS. Are there some prisons that have better law courses than other prisons?

Mr. ROSENBAUM. I hope I never have a chance to find that out. I cannot answer that for you.

I guess my point is that if you are involved in the system, and a lot of people are repeaters, they are more knowledgeable as to procedures used than most of your attorneys right out of law school. That is my point.

If you want to give some serious consideration, especially, I believe it should be on part B funds. You could do that. Give some serious consideration to upgrading the local county prosecutors across this country, because it is a joke. I really think it is a joke.

Mr. CONYERS. Thank you, Representative Rosenbaum. I think it should be added that you are also appearing in behalf of the National Conference of State Legislatures.

Mr. Rosenbaum, Mr. Jeffrey Esser is at your left. He is an executive with the Association, the conferenc

Mr. ESSER. Yes, I am.

Mr. CONYERS. You say there is no planning within the States for the LEAA funds, and there ought to be?

Mr. ROSENBAUM. That is right.

Mr. CONYERS. What do you think would happen to the state of the criminal justice system in Michigan if there were unfortunately no more LEAA funding?

Mr. ROSENBAUM. Well, I think I alluded to that point previously, Congressman Conyers. We are somewhere between $200 million and $300 million in the hole right now. We have no latitude to deal with some of the programs we have dealt with in the past. By the use of LEAA funds, the sexual assault crisis center for the Detroit General Hospital would be closed down within half an hour. It is a people's program as opposed to an equipment program.

The upgrading of the police department for the city of Detroit, I was particularly pleased with that. I think the more education the police officer has, the better off we all are, and the police prejudices are shown by the police people—and they do show prejudice to all segments of society.

My point is that at the period of time when we start dealing with this, if they ask us to take $17 million, the State of Michigan, that is what we are allocating and they sell the legislature and you approve that 5 percent. It does not ask us what is in there. Don't tell us. Either you approve that 5 percent or you don't get it. When I come back and say—let me read something to you. This is the National Conference of State Criminal Justice Planning Administrators. This is the position they took. The conference believes that the cost for operation of supported programs be assumed after reasonable period of Federal assistance.

After a reasonable period of Federal assistance. We agree that Congress should affirm that the definition of reasonable time should be determined by each State with no change in statutory language.

That is beautiful, but what are they saying about the legislatures? If they are saying that we should assume it, I am saying to you, at least give us the responsibility of what the goals and priorities are. I don't want to get involved in specific details.

You know better than we do, we will fight very, very hard for specific details. You get philosophy, different areas of the State, different concepts, some conservatives, liberals, everything in the book. You get involved in specific details, you can throw that program away.

You get involved in goals and priorities, and you have the statutory option to say yes or no—this $17 million may not be a lot to you, but it is to us, and if we have to give carte blanche approval to that without knowing what is in it, that gets me aggravated.

They say Rosenbaum, you are an ex officio member of the commission, and I come back and I say that is great. But if they don't give me that statutory option to do it, I have 16,000 other things to do and I won't put the time into that that it deserves. I want to be mandated by you to give me the statutory right to take a look at the program——

Mr. CONYERS. The problem that I am having is that I would like to see the legislators share more in this but I don't know how you can help decide goals and priorities without determining what the programs are going to be. It seems to me that you are going to have to be involved in both.

Mr. ROSENBAUM. Even the programs are fine as long as you don't get into specific details.

Mr. CONYERS. How can you avoid it?

Mr. ROSENBAUM. I think you can get to the point of at least being knowledgeable of the type of money being allocated to your State. The details to be broken down by it is something I don't want to—the legislature to get involved in. At least, we should have some degree of knowledge of what is going on because we are going to have to take over those programs.

If we are responsible for taking them over. We ought to have a commitment as to the general broad outlines of those programs. Then when it comes back to us, the details will be in there and we will be more receptive to it at that point in time.

It is difficult to come back to you, Representative Conyers and say OK. How do you get involved in the goals and priorities without specific details? It is better off to know what is going on, than not to have any say on the project at all and on the back end of it, get hit by it and then have a responsibility that you have no commitment to.

That is philosophic, but it is I think an important concept.

Mr. CONYERS. How much money does Michigan get annually from LEAA?

Mr. ROSENBAUM. $17 million, I believe. Jeff, am I right on that figure?

Mr. ESSER. Yes; that is right.

Mr. ROSENBAUM. $17 million annually.

Mr. CONYERS. Let's make sure we are talking about the same thing. This is a two part question. How much money is allocated for the criminal justice system by the State of Michigan and how much money is received from LEAA by the State of Michigan?

Mr. ROSENBAUM. I got to ask you a question. Are you talking about the department of corrections in the Michigan State budget?

Mr. CONYERS. Total. The overall gross.

Mr. ROSENBAUM. In terms of our budget in the State of Michigan? I think it is around $120 million for the department of corrections but I don't know if that gets to what you were asking, Congressman Conyers. I can submit that in writing. I am not quite sure what you are asking.

Mr. CONYERS. Let me ask you this. In your view as chairman of the committee and as a representative of the National Conference of State Legislatures, what do you view the objective of the Law Enforcement Assistance Administration ought to be?

Mr. ROSENBAUM. In my personal view, the objective so far has been one of utilization of equipment. My personal view is the utilization of equipment, most of your agencies that take advantage of LEAA funds say well, it is going to be on a short term basis.

Let's turn over a project. Let's modernize some computer system. It will be a large first year cost on it and then we consume it within our departmental budgets after that. Basically it is a hardware system at this time.

I hope that on the extension of this program, the hardware system will be replaced by a people system. If you can get into utilization of LEAA funds not on the hardware system basis but on programs—again, I will come back to the rape crisis center for the city of Detroit.

You can take all the equipment in the world but what you are forcing people to do is buy the guidelines that you have set up right now, you have an awfully lot of duplication of programs between the States and the LEAA funds.

We give 5 percent. If we have a chance to look at what the broad, general outlines are, we probably could save a couple of dollars also. The way that you set this thing up now, you are mandating, especially police departments, to spend their money on hardware.

There is no other way. They are scared stiff. They say we better find a program that we can utilize to the extent that if it is going to cut off next year, let's get it in next year, and after that we can assume it within the course of the budget anyway.

Whatever we can't assume, we will get those guys up in Lansing to take care of it after that. I object to that also.

It is sort of ironic that I am here today because I am going to have more patience with the county board of commissioners and the local government officials who come to me every day and say to one: "what are you people doing that for?"

You are making these things but you don't understand how it comes back to the local level. Give us some decisionmaking power in the process. It is impossible on a day to day basis but when you are talking about $17 million which is a substantial amount to us, I want to have some control over it. It is different from allocation of $12,000 for a new circuit court judge that the county board of commissioners don't like.

You are talking about a substantial program and I assume that you are going to reinstitute the program for 5 years. But the assumption in my opinion rests on what kind of guidelines you are going to set up to make it more efficient.

You have the first 5 years in operation was a trial basis. Now that you have some experience on it, whether or not that is going to have an impact on this country is going to depend upon what you do for the next 5 years on it. Mistakes have been made in the last 5 years.

Now we can analyze the mistakes and come back, Any legislator, whether State or national, who says that his program or his bill or his concept will work is wrong, because the only way anybody knows whether a piece of legislation is going to work is after you have had a chance to put it into effect.

I don't believe the mandatory sentence bill is going to work until 3 years down the road. Now you have had 5 years' experience in this field. Now you have to come to the point of asking whether or not it is working. If it is not working, like hardware as opposed to people, then you have to change it.

If it is not working in the State and State legislatures and feel strongly that we should have some degree of control, then I say to you that it is time to at least give us some consideration.

That is what I am here for this morning.

Mr. CONYERS. I recognize and yield to the minority member of the subcommittee, Mr. McClory of Illinois.

Mr. MCCLORY. Thank you, Mr. Chairman.

I commend you, Mr. Rosenbaum, on the statement that you presented here today. I am very pleased to note your support of the extension of the LEAA and your recognition of the utility of this.

program and citing as you have Wayne County, Mich., and enumerating various categories of improvements within that area which are, in my judgment, comparable to those that have been experienced in various other parts of the country.

In my comparable area of Illinois, I have sort of made an analysis as to how the LEAA funds have been used, both those that are mandated as well as the discretionary funds. We have seen a substantial improvement along the same lines that you have delineated in your statement.

Your suggestion for revising the law to give greater—I would say greater administrative input as far as the State legislatures are concerned, concerns me somewhat.

I am wondering if it is not better to have the administrative end of the job handled by the executive branch and if you wish to empower or to spell out in your State legislature, the various State legislatures, the type of executive and administrative control that you want to see implemented, that you just handle it on a State basis and not have the Federal Government sort of mandate all the legislatures to get involved in what I would regard as administration of the LEAA grant program.

Mr. ROSENBAUM. Congressman, I think the key word here is administration. I am not advocating that the legislature, any legislature, should get involved in administration of these programs. When you talk about administration of a program, you are talking about specific details.

When you talk about specific details, the last place you want to get involved is any legislature, whether Congress or a State legislature because then what you have in front of you is a particular piece of legislation. Section 203 (b) (3) should be changed as the National Conference of State Legislatures is recommending, and I highly support a change by inserting the following language, "At the request of the State legislature, the comprehensive statewide plan shall be submitted to the legislature"—this is not administration—" shall be submitted to the legislature for its approval, amendment or disapproval of the goals, priorities and standards which comprise the basis of that plan prior to the submission to the Federal Government.

"The State legislature will be notified of the substantial modification of the standards, goals and priorities. This shall be submitted to the legislature for approval, amendment or disapproval"— and so on. I am not interested in administration of those details.

That is left up to the individual planning body. I am interested in the goals and priorities. I think we can at least have an overview of those projects without getting into specific details.

Mr. MCCLORY. Well, you could have a veto power of projects and the projects could involve the areas where the concentration of funds is going to be. You get very close to the administrative end, it seems to me. It is something that is occurring here in Washington as well where we want to cloak the executive branch with authority but we want to have the right to approve what they are doing.

It is sort of a shared responsibility which does not seem to me to work very well and to result in good administration.

Mr. ROSENBAUM. With all due respect, there is a vast difference between the concept of the Congress and the Executive Office and the concept of the Federal Congress and the State legislature.

What you are asking for us is to give a carte blanche approval on a 5-percent basis which is an awfully lot of money to us. But then, with the understanding—even the State planning agencies have the understanding that somewhere along the line, that you are going to come back to the State legislature for approval of continued projects.

The vast difference is, why should we give approval of something on a carte blanche basis when those programs are going to come back to us for pickup? If they are going to come back to us for decision-making processes and we are going to become involved in it and if you can tell me somewhere along the line that we are not going to become involved in it, isn't it better to get initial approval of a project so that when the project does come back to us, we will have some sentiments to deal with it?

Later on, in terms of our budget today any program that you stop funding is going to be awfully hard put to look at us and say here we are, now we need your help. You are assuming at the beginning you want our help and yet you don't want us to become involved.

Mr. McCLORY. I think it is far better to repose responsibility on the executive and tell him how you want him to handle the office. If he does not handle it appropriately, the electors can decide what they want to do about it, about the administration.

Mr. ROSENBAUM. That is fine if we have an input but under the present system, we don't have that input. If you want to give us that input, I will buy that, too.

Mr. McCLORY. I guess we have a disagreement on that phase. The question was asked by the chairman with regard to the increase in the rate of crime and I guess the quantity of crime. It is your opinion, I am sure, that if we had not had LEAA for the last 7 years, the number of crimes and the rate of crime and overall criminal activity would have been increasing at a far greater rate and we would be facing a greater dilemma than at the present time.

Mr. ROSENBAUM. I can't agree. I think the LEAA funds are totally valuable but I think in some areas it increased the use of helicopters or additional communication equipment but it has not made any impact on the crime problem in this country.

It is an important thing. But I am not ready to agree with you that the base of LEAA funds, that that has held down the crime rate in this country. I don't see that there is a direct relationship between the two.

Mr. McCLORY. Why do you want us to continue a program that has not had any effect?

Mr. ROSENBAUM. I think it has had an effect.

Mr. McCLORY. I asked if crime won't have increased more if we had not had LEAA and I understand you to say no.

Mr. ROSENBAUM. There is no direct relationship between the two.

Mr. McCLORY. I am just asking for your opinion or your judgment.

Mr. ROSENBAUM. The sexual assault crisis center for the Detroit General Hospital is a vitally needed thing but you don't think that held down crime because that is after the fact.

But those are important funds for the people in the state. The increase in the educational opportunities for law enforcement people have not held down crime in the State of Michigan but it is awfully important to the State of Michigan in upgrading the system.

The law enforcement education program is tremendously important to the high schools in the State but that has not held down crimes.

In terms of the actual implication of crime in the State of Michigan, the LEAA funds are totally invaluable to us in terms of people projects that are necessary and that you have to have.

If you are telling me that the LEAA funds have a direct relationship to holding down crime in this country, I can't agree with you.

Mr. CONYERS. Isn't that what it was for?

Mr. ROSENBAUM. Partly, but some of the programs you developed over the 5 years, you don't know what it is for until you have some time to experiment with it. Now you have to come back and utilize those funds to the greatest degree.

Mr. MCCLORY. A very high percentage of the crimes are committed by criminal repeaters. Would you not regard that the half-way houses and the treatment programs and the health care programs for those who are confined in our penal institutions are helpful in reducing recidivism?

Mr. ROSENBAUM. Yes, I think it is an important area. But you asked me the specific question, whether LEAA funds——

Mr. MCCLORY. I am asking you the overall subject. I am not asking whether or not—although you mentioned a training program in the schools. I would imagine that enlightening the school population would have some effect on preventing crime.

That is a way of reducing crime in America.

Mr. ROSENBAUM. I certainly hope they do but there are no figures or facts that I can tell you about that confirm this contention.

Mr. MCCLORY. I did not really ask about lowering the crime rate. The total amount of crime has gone up. But in order to justify our extension of LEAA, we had better be very certain that LEAA has had some effect on preventing a further increase. I am convinced of it but if you are not, you are giving testimony against this legislation as far as I am concerned.

Mr. ROSENBAUM. Absolutely not. I am convinced that the program is needed. Depending upon what you learned from your experiences in the States over the first 5 years of this program will depend upon how valuable this program will be the next 5 years.

I am not going to argue with you. I certainly hope that the extension of this program will indeed culminate in the reduction of crime in this country, but I also think that you could put a police officer on every street in this country and you are not going to reduce crime in this country to a great extent either.

You are dealing with an issue that you have 5 years experience with now. The critical point now is what are you going to do with $60 million in part B funds, $300 to $400 million in part C funds? From my understanding, rather than 1.3 billion, it is going to be $700 million.

Now you are going to have to cut some of the programs. After 5 years' experience, what you people come up with in terms of how you are going to help other people in this country, it does not have to be directly related to the reduction of crime, it has to be related to how you are going to help people.

I think there is a difference between those two concepts. That sexual assault crisis center is not going to reduce crime, but that helps people.

Mr. MCCLORY. If the committee would not see fit to clothe our State legislators with this additional authority, would you be opposed to the extension of the bill?

Mr. ROSENBAUM. Well—let me put it this way. I would have a lot less confidence in this bill and would be a lot less disposed to supporting it if you at least didn't give us a statutory option of becoming involved. You don't have to mandate each State.

Give each State an option and I think you will get a lot more support. Somewhere along the line, if the Federal Government runs out of money, and it is possible, if we have anything left in our coffers, then it is up to us to determine those goals and priorities.

I would rather be included in the beginning rather than after the fact—I like to have the decisionmaking process at the beginning and not the end.

Mr. MCCLORY. How does the Governor feel about this?

Mr. ROSENBAUM. I learned a long time ago that I can't talk for the Governor of Michigan. We are not just different parties but he has a criminal justice commission. I imagine that the State planning agencies will have their opportunities to appear before your distinguished body and probably give 180 percent different opinion than I have. I hope you have a little bit more confidence in my opinion than in their opinion.

Mr. MCCLORY. Thank you.

Mr. CONYERS. I recognize staff counsel, Mr. Gekas.

Mr. GEKAS. Thank you, Mr. Chairman.

Is it my understanding that the National Conference of State Legislatures testified in the Senate concerning the question of whether or not the Congress should require the State planning agency to be a creature of State legislative action?

Mr. ROSENBAUM. Mr. Ledbetter, from the conference, testified. There were various considerations. One was whether or not it should come under the attorney general's office, whether it should become a legislative cosharing with the executive department.

There were various considerations.

Mr. ESSER. Representative Ledbetter, from Arkansas, did testify. He indicated that he felt the LEAA program at the State level should be a joint partnership role between the executive branch and the legislative branch. I believe he was asked whether the attorney general should have the responsibilities the State planning agencies currently have. He indicated at that time and it is our organization's position that the attorney general should be involved as should other components of the criminal justice system.

Mr. GEKAS. I understand there are a number of States in which the State legislatures have created the State planning agencies as a matter of state statute. Is that correct?

Mr. ESSER. Twenty-five, to twenty-nine States have already done that.

Mr. GEKAS. Of those 25 or 29, two State planning agencies have been given complete authority over the planning for the disbursement of LEAA Federal funds and the moneys that come out of the State coffers. Is that correct?

Mr. ESSER. I believe that is probably right.

Mr. GEKAS. I wondered what your feeling is about that approach, Mr. Rosenbaum?

It seems to me that the problem of the separation of the State planning agencies and legislative authority has been stated by some of the statistics as follows. That the State planning agencies are a

superior structure that is responsive primarily to the demands of the LEAA and disburses LEAA funds and thinks about LEAA funds whereas the State legislatures are concerned with the problems they have and the moneys they have.

You have two trains going down parallel tracks. One of the ways to solve that would be for the State legislatures to give the State planning agencies say so over all the State moneys.

There are probably a lot of political problems with that.

Mr. ROSENBAUM. We recognize that fact.

Mr. GEKAS. In two States, they have done it. There has been general applause throughout the criminal justice community. What are your thoughts about that, first of all?

Mr. ROSENBAUM. If you got down to the point of having that direct working relationship I would certainly not be in opposition to that concept. We have a situation with part time probate judges in Michigan. The constitution says you can restrict them but they have to give approval by vote of the people.

We have 2,000 people in one county and 26,000 in the other. There is no one—no way the two of them are going to get together. It is a particularly serious problem to me as chairman of the House Judiciary Committee. If you give the authority to have that control, I would be favorably disposed toward it.

I don't know whether or not it is feasibly possible to do so.

Mr. GEKAS. It seems to me that the theory is to get all the components of the criminal justice system together to do planning—courts, police, State and local officials, State legislators, local legislators. That is the problem with giving the State legislature too much control. They are not representative. They don't have a vote, 1, or 2, or 3 votes.

It gives them some power in saying how the money is to be disbursed.

Mr. ROSENBAUM. What I am asking you to do is to make a distinction between what type of degree of control the legislature should become involved in. If you in your infinite wisdom can write a bill that allows us to have that overview on that 5-percent matching or whatever percentage but not give us any specific control over the specific projects that is what I am asking for.

It is difficult to write something along those lines. I know that as well as you do. But at least at this point keep in mind the fact that you have 50 separate legislative bodies and a couple of others too.

Give them an option to become involved on an overall plan without getting involved in details of it. Now that can be worked out.

Mr. CONYERS. Counsel?

Ms. FREED. You mentioned in your written statement about the police ministations. You also mentioned the rape crisis center. Have either of those projects been duplicated elsewhere in Michigan or in other States?

Mr. ROSENBAUM. To the best of my knowledge, no, but it is under consideration in at least three different counties as far as the sexual assault crisis centers. The ministations, no. But again, these type of programs will not significantly affect the rate of crime in this country or in the State of Michigan, but they are awfully valuable.

If we did not have the LEAA funds, we would not have that type of program.

Ms. FREED. I understand that, but LEAA funds comprise only 5 percent of the funds your State uses for criminal justice. It has been bothering the members, I think, that your programs are not replicated elsewhere. Isn't there some need for you to bring to the attention of the LEAA the sexual assault crisis center?

Mr. ROSENBAUM. Of course, but the way State legislatures become involved in these programs is through the back door anyway. I think we ought to be involved in the front door, rather than the back door.

Ms. FREED. What are you doing right now to try to get involved? Does your Judiciary Committee do anything?

Mr. ROSENBAUM. Let me explain, right now I have got a proposed probate code in the State of Michigan that we have put in 300 hours on. We have a revised juvenile code. We have got the mandatory sentencing bill for the large heroin dealers. We have all these bills.

I don't have time on a day-to-day basis to get involved in any one of the programs. That is the function of the departments. The problem is that I can't handle anything more than I am obligated to handle.

I would like to get involved in that.

But under the situation as an ex officio member of the Committee on Crime, they give us all the priorities and they say here it is. I am not mandated to go through that.

Ms. FREED. Do you think a mandate would carry along with it more Federal funds?

Mr. ROSENBAUM. No, but a higher obligation on my part to get involved in it. I would like to get involved with it. I am being blunt with you. If you are not mandated to do something, you are not going to do it.

Ms. FREED. I think your constituents with their fear of crime may provide that mandate for you.

Let me go on. Ms. Sarah Carey spoke to our subcommittee yesterday that the LEAA program is nothing more than a fiscal relief program. I have read the last six pages of your statement and your plea is for the need for those funds.

It seems you would agree with her statement, would you not?

Mr. ROSENBAUM. To a certain extent I would, yes.

Ms. FREED. The only other subject area I wanted to deal with was how this works with the State taking over projects after LEAA has ceased funding? Is there some process where States pick up a gradual section of the match?

Mr. ROSENBAUM. To the best of my knowledge, no.

Ms. FREED. All programs operate on 90 percent Federal funds?

Mr. ROSENBAUM. Sometimes they are implemented 100 percent to nothing.

Ms. FREED. Which projects get picked up more often, the block grant or discretionary projects?

Mr. ROSENBAUM. I would think the discretionary funds programs.

Mr. ESSER. We can check on that and get written response back to you.

Mr. GEKAS. What would you say if this subcommittee were to consider an apparatus within LEAA that would allow them to say to the State governments if you are going to put together a sexual assault crisis program, you have got to do it this way and mandate

standards and minimums by which that specific program has to adhere to.

Did I make it clear?

Mr. ROSENBAUM. Just the first part of it.

Mr. GEKAS. LEAA would say it to each of the States.

Mr. ROSENBAUM. How does that solve our problem in terms of becoming involved in the decisionmaking process?

Mr. GEKAS. The question has been raised throughout the hearing, the question of replication of things that work. You find a program in Boston that works and you go out to Detroit and you find they are doing the same thing but the wrong way.

The idea is to set up a mechanism of national standards.

You say if you want any more Federal money, do it this way or you don't get the money. I stated it harshly, maybe overly harshly. You have got to understand where I am coming from. When you start talking in terms of the Upper Peninsula in the same breath as the city of Los Angeles or Montana or Idaho or anyplace else without taking into consideration the particular needs of the certain areas, I am going to say no.

By the same token if that is the way it has to be done and if you learned from your experiences that that is the way it should be done, I can close my eyes to that situation. I don't see how that will help our situation in terms of decisionmaking processes.

Thank you, Mr. Chairman.

Mr. CONYERS. I think your testimony here has given us a clue of what many in the legislatures, not only in Michigan but across the country are thinking. To that extent, your testimony has been very helpful. Over and above it, your own personal views I think have added an appreciation of what is going on right at the grassroots level.

I would hope that our committee and you and the representatives of your conference would work as closely together as we can many times through our staff, of course, so that we can have a greater oversight on what has to be done here at the Federal level.

It is clear to me that what we have been doing isn't working and the question of where we go from here is still a very, very open one.

Thank you for coming, Representative Rosenbaum, and you, too, Mr. Esser.

Mr. ROSENBAUM. Thank you, Congressman Conyers. In closing allow me to express one more time that if you can take some consideration for the upgrading of the local county prosecutors of this country and that type of program, I would particularly appreciate that fact.

I thank you for allowing me the opportunity to appear here today, Mr. Chairman.

Mr. CONYERS. Thank you very much.

Our next witness is the executive director of the American Correctional Association, Mr. Anthony Travisono. We have not only his statement but also one from the American Correctional Association Board of Directors, agreed to only last week in St. Louis, Mo.

Without objection both statements will be incorporated into the record at this point. Welcome before the subcommittee, gentlemen.

[The documents referred to follow:]

STATEMENT WITH REFERENCE TO LEAA AUTHORIZATION BY ANTHONY P. TRAVISONO, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION

Chairman Conyers, Members of the House of Representatives' Subcommittee on Crime, ladies and gentlemen:

It is my honor and privilege to have this opportunity to appear before you today, and to present, on behalf of the American Correctional Association, testimony regarding the efforts and continuation of the Law Enforcement Assistance Administration. I hope this testimony will assist you in your deliberations.

The American Correctional Association represents approximately 10,000 correctional professionals throughout the United States and Canada, and 38 affiliate professional and geographic organizations. The sole function of ACA is the improvement of correctional policy, programs, and practices.

For both the protection of the public and the restoration of the offender to the community as a productive and law-abiding citizen, modern-day correctional experts advocate the development of a balanced correctional approach, consisting of both institutional and community programming. Because of the complexity of human behavior, and the often deep-seated and long-term nature of individual criminal patterns, these goals are far more easily stated than achieved.

The American Correctional Association advocates the confinement for those individuals who commit violent crimes and who, in the interest of public safety, must be separated from the general public. Property-crime and other non-violent offenders can most often be diverted from costly confinement through the use of community-based programs. Probation, parole, halfway houses, and other supervised community programs, such as work-release, group homes, crisis centers, and self-help programs are *both* cost-effective and demonstrably more helpful than confinement in the re-direction of criminal careers to productive employment and law-abiding careers.

In order to attain this type of balance within and throughout the correctional systems of the Country, *every* element of the broader criminal justice system must be carefully coordinated and orchestrated. Standards for joint planning, coordination of activities, and evaluation of results must be encouraged and implemented at every level of the criminal justice system. Continuous research and demonstration programs are equally important as a basis for future and more effective policy and practice. All of this requires leadership on a national besis. And the Law Enforcement Assistance Administration has been providing this leadership in an increasingly effective manner.

The battles in the "war on crime" are being fought and will be won. They will be won through the resolve and hard work of local governments, and with the continuation of strong and effective support, encouragement, and assistance from the Law Enforcement Assistance Administration.

LEAA's 1975 annual budget of 888 million dollars represents more than a substantial growth in financial support from the 1969 budget of 63 million dollars. During this same period of time, serious crime in the United States has not only increased substantially—it has increased in spite of our efforts, and at an entirely unacceptable pace. This contradiction between the growth of crime and the resources that have been made available to combat it must be considered in light of the following

(1) One has to wonder what kind of crime rate this Country would now have if, over the past five years, we had not committed major resources to the police, to the courts, and, in a less significant manner, to the correctional systems at each level of government.

(2) It is common knowledge that more than half of our serious crime is caused by relatively young people—most often in the 15–34 year old age group. This population "bulge" has produced, undeniably, a major strain on our criminal justice system. It is expected that this age group—as a proportion of our total population—will begin to decline at the end of this decade. LEAA has had no more control over this phenomenon than it has over the gradual, but nonetheless incessant decline of the American family, the American neighborhood, and, of course, the decreasing capacity of governmental units to manage their criminal justice systems.

(3) It is interesting to note, too, that we have had real difficulty in this Country in reporting crime accurately. Recent studies, in many instances supported by LEAA, have shown that in some communities as much as 50% of the actual

crime experienced has not been reported accurately (or in some cases, at all) to law enforcement agencies. LEAA's studies of unreported crime and the victims of crime have, of course, led to both more and more accurate reporting of crime. Thus, in a sense, LEAA's work has led directly to a major criticism of its activities.

(4) Finally, one must remember that efforts to solve social problems typically result in knowledge that the problem was worse than we thought, and that the solutions are more difficult than we ever imagined.

Turning now to the correctional agencies of the United States and the needs within the broader criminal justice system, it is clear that we have learned "the hard way" that the support of corrections is as vital to the reduction of crime as the support of law enforcement and the co rts. The first Crime Control and Safe Streets Act (1968) gave little thought to corrections. Since that time, an awareness has grown that effective crime control will come about through the modernization of all aspects of the criminal justice system—and, of course, at every level of government.

In 1971, Part E funds, earmarked for correctional programs, were added to the LEAA authorization by the Congress. And, since that time, over one billion dollars in block, discretionary, and technical assistance support have been allocated to both juvenile and adult corrections. One billion dollars is a great deal of money. Over this same time period, federal, state, and local corrections throughout the Country, have spent approximately 12 & ½ billion dollars. Thus, LEAA's investment has been less than 10% of a total amount of money required to operate the national correctional apparatus. And if we mean what we say about modernizing corrections as a tool to reduce crime, significantly more resources are going to be required from both LEAA and local governments.

Although Part E addresses the whole area of correctional needs, it does so in a rather fuzzy manner; it should be clarified and sharpened. Provision is made for the development of regional planning agencies in communities of over 250,000 which meet the requirements of being metropolitan areas and/or being of interstate concern.

Yet this is not the only place where the crying need exists. Cities, counties and local government frequently don't have the planning capacity to do a good job. Some jurisdictions—and they are most frequently those in rural or sparsely populated areas—have no planners at all, and certainly no grantsmen who could help them obtain the funding for planners. Their needs are none-the-less as real, and their problems as urgent as those of the more metropolitan areas. Even when planners exist, under the present system they often find themselves with multiple assignments working simultaneously for justice courts, councils of government, county commissioners, and many other separate and discrete agencies and units. Any consideration of Title I changes should make possible relief to these problems.

The basic conceptualization of a single federal authority, providing assistance both in funding and in technological advice to a single central planning authority in each state, in turn providing services to all state and local components of criminal justice, seems to be working admirably. Reports from many state administrators indicate basic satisfaction with and support of the arrangement. The formal position of the National Governors' Conference with regard to Crime Reduction and Public Safety strongly supports continuance of the arrangement; the Association of State Correctional Administrators, an affiliate of the ACA, generally supports the National Governors' Conference in its position. LEAA and its officials have been doing, and are contiuuing to do a tremendous job in giving help and cooperation to those of us who labor in the corrections field.

In any consideration of LEAA itself, or of the statutory base upon which it is founded, there is a long list of specific and general considerations which must receive account. One of these is the relative merit of block grants vs. discretionary funding. It is the essential stand of ACA, that block grants should be continued. We should shy away from any move to have the federal government deal directly with non-state jurisdictions or individual agencies, on programs and plans. Such a move would very quickly prove to be defeating of the very purposes which the Congress through LEAA, set out to address. The concept of block grants to single State Planning Agencies has been richly demonstrated to be a successful one. It has helped in assuring development of state-wide comprehensive, integrated planning, and in fostering cooperative, broadspan program efforts. Negotiating directly with individual agencies would promptly destroy this teamwork approach. Spending would become a fiscal and program game of catch-as-catch-can; individualized, self-seeking uncoordinated local efforts would supplant area-wide, systemwide, planned approaches to issues and concerns.

Several developmental areas in corrections have been aided significantly by the Law Enforcement Assistance Administration. The National Clearinghouse for Criminal Justice Planning and Architecture, serving the entire field of criminal justice, has already played an extremely important role in master planning in the correctional field.

LEAA has also supported the American Correctional Association in the Association's efforts to implement an accreditation program for all agencies in the correctional continuum. The Commission on Accreditation for Corrections, implemented in 1974, will develop and apply national standards throughout the field in an accreditation program designed to increase public protection and to improve the quality of care and rehabilitation of the criminal offender. For the very first time, correctional agencies throughout the Country will be able to measure their performance against nationally accepted standards which are both realistic and progressive. Without LEAA leadership, this major national effort would still be on the Association's drawing boards.

Grants not only to our Association, but also to the National Council on Crime and Delinquency, University of Georgia, the American Justice Institute, and the National Institute of Corrections, hold great promise in the search for better solutions to a most difficult problem.

Following are a few of these additional major efforts:

1. An assessment of the overall effectiveness of juvenile corrections;
2. An examination and revitalization of prison industries;
3. A study of total manpower needs;
4. The establishment of national standards and goals;
5. The further development of medical services for both jails and institutional medical programs for larger institutions;
6. A survey of needs in correctional education and training;
7. Development of seminars on legal services within corrections; and
8. Conduction of surveys and studies in the areas of correctional economics.

The Law Enforcement Education Program (LEEP) also holds tremendous promise for the development of new leadership throughout corrections. These funds have, for the first time, implemented long-held beliefs that corrections must develop new and strong leadership through participation by the nation's colleges and universities. Corrections has not yet felt the impact of LEEP funds—but soon will. In addition, over the past year, approximately 77% of these funds were allocated to law enforcement. Corrections, in this instance, needs more, not less, such support. At the present time, most corrections agencies have good in-service training programs, but completely lack the pre-service training previously supported through LEEP funds.

LEAA support of community programs in corrections has been clearly commendable. Some 80% of LEAA support of corrections last year was devoted to this aspect of the correctional continuum. Community programs are, of course, most effective in providing to non-dangerous and non-violent offenders real opportunities to stay out of trouble, and to progress as individuals within community settings. Again, providing that such programs are properly funded and supervised, the tax-payer benefits through greatly reduced costs and, of course, the avoidance of debilitating effects of confinement.

All of us would like to believe that most offenders can be supervised in community programs. Unfortunately, there are many offenders who are simply too dangerous and too violent to be supervised and assisted in the community. These individuals present us with no alternative to confinement and, thus, LEAA's continued support of efforts to make our institutions more humane and more effective must be encouraged—not discouraged.

As indicated earlier in this testimony, there are no simple solutions to the most difficult and exasperating problem of criminal behavior. We must provide protection to the community. We must do our best to assist the criminal offender. Both institutional and community programs require continued financial support, and are both resolved to develop the kinds of policies, procedures, and practices that will maximize our performance. At the present time, our jails, training schools, penitentiaries, and prisons are bulging at the sides. On the community side, probation caseloads of 100 offenders represent no probation at all. It is going to be through only continued financial support at all levels of government that any hope resides to effectively "turn the corner" in corrections, and to give the field a reasonable opportunity to combat the problem. To fail to do this would undoubtedly promote increased prison violence, increased street violence, and an inevitably losing battle against crime.

The Law Enforcement Assistance Administration nas been striving to bring about some semblance of coordination and effectiveness to what has otherwise been a disjointed, ineffective, and inefficient criminal justice system. The LEAA has also tried to educate and enlighten an apathetic society as to its long-term interest in effective rehabilitation and crime control, as opposed to the totally simplistic notion that punishment alone is a solution to the problem. Many citizens now know that approximately 96% of all offenders confined today will, within a short period of roughly four years, be back on our streets. The kinds of questions we must ask are: "What kinds of people are they going to be?" "Will they have emerged from confinement with real alternatives to street crime?" "Or, will they have merely passed through an overcrowded, ineffective, and inefficient revolving door?"

Following are some recommendations for your consideration:

1. The LEAA must be continued and strengthened.
2. LEAA must be given the highest priority available with reference to budget and overall resources.
3. Part E funds, those monies specifically designated for corrections, must be increased.
4. The current provision that 10% of LEAA support must be provided in "cash match" should be eliminated. Localities are hard pressed as it is to fund correctional programs, and because of the cash match requirements are often precluded from obtaining LEAA support.

The heart of the LEAA program nationally is, of course, a stimulation of appropriate planning, action, and research throughout the criminal justice system. And the LEAA has made great strides in building an organized plan of attack on crime throughout the Country. In addition, the agency's increased emphasis on research, monitoring and assessing the impact of its funds are both necessary and commendable. Yet, in the face of this growing capacity and understanding within LEAA to grapple with the crime problem, LEAA's own administrative budget has been reduced substantially. It is unfortunate. Hopefully, this can be corrected immediately.

It is the fond hope of the Association and its membership that the Law Enforcement Assistance Administration will continue to receive strong support and encouragement from the Congress. The agency is new. The agency is in the midst of a journey, the end of which is not clearly in sight. But if our Country's history contains any lessons truly learned, one such lesson is that resolve, perseverance, and dedication to the task at hand are both uncompromising and unequivocal demands in the solution of national problems.

Mr. Chairman, Members of the House of Representatives' Subcommittee on Crime, ladies and gentlemen, the American Correctional Association respectfully recommends the continuance and strengthening of the Law Enforcement Assistance Administration, and concurs in the passage of the 1976 authorization as contained in House Bill H.R. 9236.

Thank you.

The American Correctional Association Board of Directors, at its mid-winter meeting on February 20, 1976, in St. Louis, Missouri, passed the following resolutions which should be of interest to the Subcommittee on Crime:

The Use of Prisoners and Detainees as Subjects of Human Experimentation.
Sentencing for Crime.
Parole.
The Role and Function of Correctional Programs.
Correctional Systems.

(Position Statements—The American Correctional Association)

THE USE OF PRISONERS AND DETAINEES AS SUBJECTS OF HUMAN EXPERIMENTATION

The American Correctional Association has long viewed with concern the use of prisoners as subjects of medical, pharmachological experimentation. This concern is shared by many—the courts, legislatures, administrators, professional bodies, and the community at large. The Association is aware that many state correctional systems have already adopted policies precluding, or sharply limiting, such experimentation. It now urges that efforts to eliminate such practices be undertaken by responsible bodies at the Federal, State, and local levels.

(1) While it is recognized that such experimentation can make a contribution to the health and well-being of all people and contribute to the achievement of legitimate objectives and goals of correctional systems, and

(2) Although it can be argued that the elimination of human experimentation from correctional institutions may deny the offender a measure of freedom of choice in determining the extent to which he may offer himself for experimental purposes;

(3) We have concluded that:

(*a*) A person confined in a correctional institution is incapable of volunteering as a human subject without hope of reward;

(*b*) It is very doubtful that prisoners who volunteer can be said to do so on the basis of fully informed consent;

(*c*) The assessment of risks attached to human experiments is ordinarily beyond the competence of those who bear the ultimate responsibility for approving human research projects.

(*d*) No fully effective protection against injury or death can be provided to prisoner volunteers in human experimentation programs.

(*e*) Nor can there be assured the necessary guarantee of adequate therapeutic or remedial services to prisoner volunteers who, as the consequence of participation, may require long-term medical assistance.

In the light of the foregoing, it appears that the authority which authorizes or permits prisoners to become subjects of human experimentation ignores his historic obligation as a custodian to protect and safely keep those for whom he assumes a legal responsibility.

(Officially adopted—Board of Directors, American Correctional Association, St. Louis, Mo., February 20, 1976.)

Sentencing for Crime

Issues related to sentencing for crime have been of concern to the American Correctional Association throughout its history. The need for developing more rational approaches to the application of penal sanctions has engaged the interest of other organizations and groups including The American Bar Association, The American Law Institute, The National Council on Crime and Delinquency, and The National Advisory Commission on Criminal Justice Standards and Goals. While these groups have adopted somewhat differing approaches to the effort to develop a more uniform philosophy of sentencing as a basis for the establishment of public policy, they have been consistent in their recognition of the need to distinguish between offenders who pose serious dangers to the society and those who present lesser risks.

The Association therefore recommends that the legislatures of the states, if they have not already done so, give prompt and serious consideration to the proposals advanced by the Commission and other bodies and urges that consideration be given to the incorporation into state penal codes the provisions consistent with the standards which the Commission has advanced, in harmony with the needs of the State.

The adoption of such an approach is, in the opinion of the Association, a rational alternative to the wide-spread and piecemeal adoption of additional mandatory penalties and the adoption of longer prison terms on a fragmented basis. The legislatures are also strongly encouraged to consider the implications for the adoption of new sanctions which are urged upon them from many quarters. The history of the enactment of mandatory penalties in this country clearly suggests that they have been counter-productive. They have led to lower rates of conviction (in part because of the reluctance of courts and juries to use them). They have contributed to heightened levels of plea bargaining, and they have in many instances afforded the community a reduced level of protection.

Further, the indiscriminate increasing of penal sanctions, without regard to the danger which offenders pose for the community, contributes in no small measure to population pressures within institutions and requires the State to provide additional facilities at great expense to the tax-paying public and without providing, in the long run, a higher level of public protection.

The Association is, of course, fully aware of the need to provide adequately for the control of persons who threaten the lives and safety of other citizens but urges that alternatives to imprisonment be provided for those offenders who are nondangerous and who do not require long-term institutional confinement.

(Officially adopted—Board of Directors, American Correctional Association, St. Louis, Mo., February 20, 1976.)

Parole

For more than one hundred years, the American Correctional Association has recognized parole as an important method of protecting the public safety as well as one through which the successful re-entry of the offender to society is best assured. We continue to be of the opinion that parole, properly administered and operated with proper regard to the constitutional rights of the parole candidate and the parolee, affords the community a measure of protection which should not be abandoned.

This position does not ignore the fact that paroling authorities must be accountable, that parole decisions must be reached fairly and objectively. Nor does it overlook the need to implement parole decisions through the provision of resources adequate to maintain the necessary level of supervision and supportive assistance to the offender who is returned to the community.

There is no evidence to support the view that the abolition of parole will reduce crime or that the operation of a parole system cannot be conducted at a level of fairness and equity comparable with that expected of the courts.

The Association therefore urges that the States and the Federal Government address their efforts to strengthening systems of parole in the interest both of meeting the individual needs of the offender and of society at large.

(Officially adopted—Board of Directors, American Correctional Association, St. Louis, Mo., February 20, 1976.)

The Role and Function of Correctional Programs

In the current climate of debate about the effectiveness of correctional systems, both institutional and community related, it is appropriate for the American Correctional Association to speak to the role and functions of interventive programs designed to enable offenders better to respond to societal expectations. We recognize that there is a clear danger, given the expressions of concern about and frustrations with the capacity of correctional systems to protect society, that there is a growing tendency to regard correctional institutions as appropriate only for the execution of punitive sanctions.

We are also cognizant of the fact that there is limited objective data which support the view that specific interventive programs contribute to the offender's ability to respond to the normative expectations of the community. The absence of such data is due in no small part to the lack of essential baseline information systems which provide the foundations for the assessment of program effectiveness.

The Association, since its earliest beginnings, has also recognized that changes in or modifications of the offender's behavior or attitudes cannot be imposed upon him. History has taught us that achievement of such changes are the personal and individual responsibility of the offender.

We are, nonetheless, committed to the view that society cannot be protected if the sole function of the correctional system is perceived as incapacitating the offender confined in institutions or surrounding him with rigorous surveillance in the community.

It is the responsibility of the correctional system to make available to the offender, either in the institution or in the community, the opportunities to develop the knowledge and acquire the skills which will enable him to respond to the normative standards of society.

It is the further responsibility of the system to facilitate the offender's opportunity to apply the knowledge and skills which he acquires within the system in solving his problems of social reintegration.

The limitations of our current knowledge regarding the effectiveness of correctional modalities underline the importance of continuing study and assessment of correctional interventive programs better to assure a higher level of cost/benefits from society's investment in such programs.

(Officially adopted—Board of Directors, American Correctional Association, St. Louis, Mo., February 20, 1976.)

Correctional Systems

The gross overcrowding of correctional institutions in many jurisdictions of the United States poses problems of critical importance to American society. The situation, in some states, has prompted the Courts to intervene and to impose constraints upon the acceptance of new commitments. The courts have also mandated the improvement of correctional facilities, as well as measures to strengthen their staffing and programs. Many jurisdictions, in the face of current financial

exigencies, lack the budgetary resources required to resolve the problems which they face. The matter is further aggravated by the imposition of moratoria on institutional construction by some jurisdictions.

To some degree, the problems which exist are the result of the long-standing failure of the community to support administrators' requests for the funds required to maintain prisoners under conditions which afford the maintenance of minimum standards of health and decency. Nor has adequate support been given to the replacement of obsolete facilities or to the physical up-keep of those which might otherwise continue to serve a useful function.

In recent years, the situation has been seriously compounded by legislative enactments which have increased the numbers of mandatory criminal penalties and longer sentences for serious crime. These have contributed to and will serve, over the years immediately ahead, to add further to the crowding of overtaxed correctional institutions.

While it has long been recognized that the correctional institutions of the United States continue to house large numbers of prisoners who present no serious threat to the safety of the community, adequate resources have not been provided to support alternatives to imprisonment. Nor have the recommendations of national study commissions and other responsible organizations, regarding the development of balanced and integrated programs of correctional services and the revision of criminal codes to provide courts with broader dispositional alternatives, been given adequate attention.

In the face of these considerations, the American Correctional Association urges that the following measures be taken:

(1) All moratoria on institutional construction be lifted.

(2) The Association calls upon all levels of government in the United States to reassess the funding policies of the government with a view to providing financial resources for (a) the support of alternatives to institutionalization, (b) the replacement of obsolete institutions, (c) the up-grading of state and local institutions, where appropriate, and (d) the building of new institutional resources which are essential to the protection of constitutional guarantees against cruel and unusual punishment.

(3) The Association further urges that all levels of government establish reasonable criteria for determining that state and local jurisdictions have developed plans and programs for the deinstitutionalization of corrections to an extent consistent with the public safety and that the meeting of such criteria be a prerequisite for funding of capital outlay for capital improvements to existing plants and new institutional construction.

(4) Where necessary, provision be made for long-term and substantial funding of the programs required to provide adequate levels of professional and paraprofessional staffing of all correctional programs.

(5) The Association also calls upon the governments of States to reassess current policies and practices with respect to the utilization of institutions with a view to employing legislative and administrative measures which would result in the reduction of institutional populations in ways which are consistent with public safety.

(6) The Association, through its program of technical assistance, offers to States and local communities resources by which organized and systematic approaches to the resolution of problems related to the over-crowding of institutions may be undertaken and alternative programs up-graded and expanded.

(Officially adopted—Board of Directors, American Correctional Association, St. Louis, Mo., February 20, 1976.)

TESTIMONY OF ANTHONY P. TRAVISONO, EXECUTIVE DIRECTOR, AMERICAN CORRECTIONAL ASSOCIATION, ACCOMPANIED BY RAYMOND S. OLSEN, ASSOCIATE EXECUTIVE DIRECTOR, AND DR. ROBERT FOSEN, EXECUTIVE DIRECTOR, COMMISSION ON ACCREDITATION FOR CORRECTIONS

Mr. TRAVISONO. I have Raymond Olsen, associate executive director and to my left, Dr. Robert Fosen, project director of the accreditation project, one of the LEAA projects awarded to the American Correctional Association to pursue and initiate standards for the entire field of corrections.

We are proud of this particular grant awarded to our association from LEAA. Mr. Chairman, I will not attempt to read my testimony line by line but I would like to be able to overview it for you.

The American Correctional Association represents approximately 10,000 correctional professionals throughout the United States and Canada, and 38 affiliate professional and geographic organizations. The sole function of ACA is the improvement of correctional policy, programs, and practices.

For both the protection of the public and the restoration of the offender to the community as a productive and law-abiding citizen, modern-day correctional experts advocate the development of a balanced correctional approach, consisting of both institutional and community programing.

Because of the complexity of human behavior, and often deep-seated and long-term nature of individual criminal patterns, these goals are far more easily stated than achieved.

This has deep-seated roots in the communities in which we live and for corrections or for any other element of the criminal justice system to solve these problems within a very short period of time to Federal involvement is asking a great deal.

The American Correctional Association advocates the confinement of those individuals who commit violent crimes and who, in the interest of public safety, must be separated from the general public. Property crime and other nonviolent offenders can most often be diverted from costly confinement through the use of community based programs.

Probation, parole, halfway houses, and other supervised community programs, such as work release, group homes, crisis centers, and self-help programs are both cost effective and demonstrably more helpful than confinement in the redirection of criminal careers to productive employment and law abiding careers.

LEAA has been the only program provided to us by Congress giving information and resources to corrections and police and the courts. Standards for joint planning, coordination of activities, and evaluation of the results must be encouraged and implemented at every level of the criminal justice system. Continuous research and demonstration programs are equally important as a basis for future and more effective policy and practice. All of this requires leadership on a national basis. And the Law Enforcement Administration has been providing this leadership in an increasingly effective manner.

It has been halting and disjointed at times. But LEAA has been providing this leadership in an increasingly effective manner.

The battles now in the war on crime are being fought and will be won.

Mr. CONYERS. You are the first one to predict a victory in this battle. I would like the record to show that.

Mr. TRAVISONO. I think it will be won, Mr. Chairman. Through this resolve and coordinated planning and hard work of local governments, and with the continuation of strong and effective support, encouragement, and assistance from the Law Enforcement Assistance Administration.

LEAA's annual budget of $888 million dollars represents more than a substantial growth in financial support from the 1969 budget of $63 million. During this same period of time serious crime in the United

States has not only increased substantially—it has increased in spite of our efforts and at an entirely unacceptable pace.

This contradiction between the growth of crime and the resources that have been made available to combat it must be considered in light of the following:

1. One has to wonder what kind of crime rate this country would now have if over the past 5 years we had not committed major resources to the police, to the courts, and in a less significant manner, to the correctional systems at each level of government.

2. It is common knowledge that more than half of our serious crime is caused by relatively young people—most often in the 15- to 34-year-old age group. This population bulge has produced, undeniably, a major strain on our criminal justice system.

It is expected that this age group, as a proportion of our total population, will begin to decline at the end of this decade. We used to have the bulges in the incarcerates in our institutions. But it appears through research that we have done through some of our people that the recent rise in the number of people being incarcerated is not a cyclical problem. It is going to be with us for some time. It can be demonstrated that it is perhaps related to several factors, one of which is a feeling of the public on crime and the courts' reaction to the increase in crime. Also the professionalization of our field, the criminal justice field, in that there is more emphasis being placed on it and therefore we are doing more and we are finding out more crime.

Our probation caseloads are high and institution caseloads are high and parole cases are high and half-way house populations are full, even though we don't have enough of those. It does not appear at this particular time that we can say tomorrow it will go away.

3. It is interesting to note, too, that we have had real difficulty in this country in reporting crime accurately.

Recent studies, in many instances supported by LEAA, have shown that in some communities as much as 50 percent of the actual crime experienced has not been reported.

Turning now to the correctional agencies of the United States and the needs within the broader criminal justice system, it is clear that we have learned the hard way that the support of corrections is as vital to the reduction of crime as the support of law enforcement and the courts.

The first Crime Control and Safe Streets Act (1968) gave little thought to correction. Since that time an awareness has grown that effective crime control will come about through the modernization of all aspects of the criminal justice system—and, of course, at every level of government.

In 1971, part E funds, earmarked for correctional programs, were added to the LEAA authorization by the Congress. And since that time over $1 billion in block, discretionary, and technical assistance support have been allocated to both juvenile and adult corrections; $1 billion is a great deal of money.

Over this same period of time, Federal, State and local corrections throughout the country, have spent approximately $12½ billion. Thus LEAA's investment has been less than 10 percent of a total amount of money required to operate the national correctional apparatus. And if we mean what we say about modernizing corrections

as a tool to reduce crime, significantly more resources are going to be required from both LEAA and local governments.

Mr. CONYERS. Why should we? Recidivism is still going on. What for?

Mr. TRAVISONO. To make an effort.

Mr. CONYERS. We have been making an effort for these many years.

Mr. TRAVISONO. Five years is not a long time to make an effort on a complex problem.

Mr. CONYERS. The witnesses before you were correctional personnel and two-thirds of the people that are going to jail are ones that have been in jail already. Isn't there some relationship between that fact and the increasing incidence of crime?

What are we going to do about it?

Mr. TRAVISONO. Mr. Chairman, I would have great difficulty believing anyone who would tell me that research has shown recidivism does increase the crime rate in your community.

This is a concept that many people have, that many people put forward. I think it is very difficult to prove, just as much as I would I have difficulty in proving to you that prison is good to someone. I don't think I would aspire that it is good in all of its implications.

I don't think that the prison should take the rap for community problems. If a man comes out of prison with the intent of being a law-abiding citizen and he is not able to get a job for whatever reason, I think immediately he is a candidate for being a recidivist.

I don't think that is the prison's rap to take.

Mr. CONYERS. We just had a witness who said that the law schools in the prisons are better than the law schools outside. I suppose that is one positive result of being incarcerated. He said the lawyers were clearly inadequate to the defendants in many cases, especially if they were inexperienced attorneys up against a veteran defendant who has been able to study legal precedents and prepare their own case for a much longer period of time.

Mr. TRAVISONO. I think with the increase in concern about crime in the middle class and the increasing commitment of attorneys to prison, I think it would be kind to say that those attorneys in prison are helping other people understand law.

Mr. CONYERS. Is there any consideration for granting degrees or having credit courses in this important area of legal education?

Mr. TRAVISONO. I don't believe there is one institution in the United States that has a program. They may allow a person to attend a junior college or a college and they may allow a person to go to graduate school also.

Mr. CONYERS. But law school, no.

Mr. TRAVISONO. I am not aware of a single program.

The basic conceptualization of a single Federal authority, providing assistance both in funding and in technological advice to a single central planning authority in each State, in turn providing services to all State and local components of criminal justice, seems to be working admirably.

Reports from many State administrators indicate basic satisfaction with and support of the arrangement. The formal position of the National Governors' Conference with regard to Crime Reduction and

Public Safety strongly supports continuance of the arrangement; the Association of State Correctional administrators, an affiliate of the ACA, generally supports the National Governors' Conference in its position.

LEAA and its officials have been doing, and are continuing to do a tremendous job in giving help and cooperation to those of us who labor in the corrections field.

In any consideration of LEAA itself, or of the statutory base upon which it is founded, there is a long list of specific and general considerations which must receive account. One of these is the relative merit of block grants versus discretionary funding.

It is the essential stand of ACA, that block grants should be continued. We should shy away from any move to have the Federal Government deal directly with non-State jurisdictions or individual agencies, on programs and plans. Such a move would very quickly prove to be defeating of the very purpose which the Congress through LEAA, set out to address.

The concept of block grants to single State planning agencies has been richly demonstrated to be a successful one. It has helped in assuring development of a statewide comprehensive, integrated planning, and in fostering cooperative, broadspan program efforts.

Negotiating directly with individual agencies would promptly destroy this teamwork approach. Spending would become a fiscal and program game of catch as catch can, and individualized, self-seeking uncoordinated local efforts would supplant areawide, systemwide, planned approaches to issues and concerns.

Several developmental areas in corrections have been aided significantly by the Law Enforcement Assistance Administration. The National Clearinghouse for Criminal Justice Planning and Architecture, serving the entire field of criminal justice, has already played an extremely important role in master planning in the correctional field.

LEAA has also supported the American Correctional Association in the association's efforts to implement an accreditation program for all agencies in the correctional continuum. The Commission on Accreditation for Corrections, implemented in 1974, will develop and apply national standards throughout the field in accreditation programs designed to increase public protection and to improve the quality of care and rehabilitation of the criminal offender.

For the very first time correctional agencies throughout the country will be able to measure their performance against nationally accepted standards which are both realistic and progressive. Without LEAA leadership, this major national effort would still be on the association's drawing board.

Mr. CONYERS. If you will conclude, we will begin with the questioning.

Mr. MCCLORY. Thank you, Mr. Chairman. I join your position in being an optimist that we are going to solve the problem of crime in America. I think that the correctional aspect of the whole crime problem is perhaps as significant or a basic key to the overall solutions as any other aspect of crime.

As you have indicated, we should not blame LEA or its deficiencies for what has happened as far as the deterioration of family life in America and the breakdown in some of the neighborhoods and the

community atmosphere that prevailed during the periods of lower crime rates in this country.

Also I would like to observe that many of the programs which have been initiated and in which we have experienced innovations as a result of the LEAA support have shown effective results. My recollection is that during the Christmas recess in Washington, D.C., the experience was 100 percent.

Those who were released from the city jail to return to their families for a holiday reunion all returned without any report of any misdeeds during the time of their release. I have had experience in Illinois with respect to the study release programs initiated by a former director of corrections, the new administrator of revenue enforcement administration, Mr. Peter Benzinger, that these study release programs were very effective. As a matter of fact, they are carried out in part at the community college which is in my congressional district.

You appear to be supporting extension of the program generally. I am wondering if you have given any thought to the significance of the national institute on law enforcement and criminal justice as being a clearinghouse for research carried out throughout the country, as being a center for evaluation the effectiveness of various law enforcement and criminal justice programs, including correctional programs and if that role might not be enhanced as a sort of a Federal input as far as guidelines and directions and assistance to the State in evaluating the effectiveness of correctional measures?

Mr. TRAVISONO. Mr. McClory, I think we would concur with you although we did not address ourselves to that specifically. Research and evaluation is desperately needed at all levels. I speak for not the Federal side of it but most of our constitutents are operators of State and local programs.

We have great difficulty in understanding how we can research the efficacy of the use of programs when only part of our program is related to corrections and the rest of it is related to the country as a whole, particularly the question Mr. Conyers raised by recidivism.

I think it would be in the best interest if this were given more attention and consideration.

Mr. MCCLORY. Thank you. I appreciate your testimony here this morning.

Mr. CONYERS. Thank you.

Counsel Gekas?

Mr. GEKAS. Many Members of the Congress and this subcommittee are concerned with the deplorable state of prisons and jails throughout the country. I guess the exacerbating question would be, How is it possible that we spent $1 billion in corrections in 5 years and every 6 or 7 months the court system will declare a prison system to be uninhabitable? What is the problem? It seems to me that the first kind of planning that ought to be going on out there, or the first thought that ought to be put in by correctional officers is how to make places habitable.

Mr. TRAVISONO. This is not an easy task. LEAA when it first evolved into correctional programing was talking about innovative programing and treatment programing and did very little from the discretionary point of view to increase the humaneness of the institutions.

This was because of the billions of dollars involved. We find that many prisons throughout the country, jails, training schools, places where people are incarcerated began using their funds for some improvements within the institutions but the total amount was just unbearable. I come from the small State of Rhode Island and I was the director of the department for LEAA contributions for the entire State which was $2 million plus.

Our share for corrections was less than a half a million dollars. We bought staff with most of that money and allowed the citizens of that State to ask for a bond issue to improve the physical facilities which was in effect to tear it down.

That was in 1972. The citizens are still not decided on what they want to do with that institution. It is 100 years old and it is a major problem.

Mr. GEKAS. The problem is there is not a sufficient commitment by society.

Mr. TRAVISONO. That is correct. We are on the bottom of the pile for renovation. We are below airports and sewage disposal plants.

Maryland has double the population that should be there in many of its institutions. The same is true of Delaware.

Mr. GEKAS. GAO is about to issue a report that recommends that LEAA and the States get together on standards for local jails. Apparently they have gone around the country and surveyed and found that LEAA funding has made no difference in the conditions in the local jails.

They are going to recommend getting together to provide some standards that a jail would have to meet before it would get Federal funds.

That is one way to go about it, don't you think?

Mr. TRAVISONO. Maybe down the road, yes. Our accreditation process for corrections is a beginning. Whether Congress wishes to tie anything to it and whether LEAA is willing to pick up our standards as standards for the field which includes jails is a point of issue. I think it has relative merit. I still think we are going to have great difficulty getting resources necessary to make all of our programs humane, whether we put people in jail or not.

That is not the problem of corrections. It is the problem of society.

Mr. CONYERS. Society does not legislate. We do. Society does not administer. You do. So let's not blame society for this.

Mr. TRAVISONO. May I say this, Mr. Congressman——

Mr. CONYERS. You can't blame all the citizenry.

Mr. TRAVISONO. There was a moratorium placed on building institutions. Most of us who have the responsibility fought diligently to replace archaic institutions. Some whom I am sure you will hear from today will recommend that we should not have any institutions at all except for the most violent.

Mr. CONYERS. There are members of your association that share that point of view, from the American Correctional Association.

Mr. TRAVISONO. Surely. But this moratorium has hurt—the question which your counsel asked, why we have not been able to do anything is answered because of this moratorium.

Mr. MCCLORY. In my congressional district, we have had two very beautiful, and I think, very useful correctional centers developed with the assistance of LEAA funds. Also we utilize a halfway house concept

plus the work release program and all of these have shown tangible results toward improving the situation as far as the correctional aspect is concerned.

I think we just have to continue to cover the whole gamut of the whole problem of crime in the country and corrections is just one aspect of it but an important part.

Mr. CONYERS. I share my colleague's view. I would like to ask your helpfulness in two areas that you mentioned that time does not permit us to go extensively into today. One is the whole question of parole. I notice the association has made a statement on it.

But I would like to receive for the subcommittee additional discussion and analyses of this question especially in view of the fact that the Attorney General has urged the abolition of parole.

This is almost an incredible state of affairs. I would like to see where your association comes down on this question.

In addition, on the entire subject of mandatory sentences which could keep us here for 2 hours without interruption, I would like to receive more information about the position that I understand the American Correctional Association is taking in that regard.

Mr. TRAVISONO. We will be happy to provide those two.

Mr. CONYERS. On that note, I thank you and your associates very much for joining us today. Your testimony has been extremely helpful.

Mr. TRAVISONO. Thank you.

Mr. CONYERS. Our next and final witness is the former correctional commissioner of the State of Massachusetts, Mr. John Boone. We welcome you here. He is a gentleman whom I know personally.

We are delighted to have his prepared statement which will be without objection incorporated into the record at this point.

That will free you to make your comments before the committee in any fashion which you choose, sir.

Mr. BOONE. Thank you, Mr. Chairman.

[The document referred to follows:]

STATEMENT OF JOHN O. BOONE, URBAN AFFAIRS DIRECTOR, WNAC–TV, BOSTON, FORMER COMMISSIONER OF CORRECTIONS FOR MASSACHUSETTS

Mr. Chairman, it is a pleasure to appear before the Sub-committee. I appreciate this opportunity to testify at this time when criminal justice processes are in a state of confusion, turbulence and change. A strong groundswell of interest in criminal justice policy, particularly issues surrounding the effectiveness and credibility of Law Enforcement and Penal Practices, has developed in the aftermath of the Watergate affairs and the related circumstances of crime and immorality that appeared before and after the Watergate revelations. The general public is becoming increasingly aware of the very high cost—social and financial—of the nation's incredible criminal justice processes. Prior to Watergate and other situations of high crime and immorality, public ignorance and indifference made criminal justice agencies, particularly law enforcement, and the penal process a tool of corruption, political intrigue, and human exploitation. Criminal justice agencies are still badly mismanaged, ineffective and unreliable as instruments of justice and social control. But, now, because the public is more aware of the system's vicissitudes, there is hope for the future. The time for transformation is at hand.

It is timely for the LEAA to be up for authorization. The Administration is part and parcel of the whole problem. It was established as an agency for planning and policy development. It provides an influential flow of revenue and as a direct result of miscellaneous grant making. At the present, its effect seems to be positive, negative and reinforcing of the status-quo all in one breath.

I have scanned the bills proposed to amend the Omnibus Crime Control and Safe Streets Act of 1968 which encompass the LEAA. These bills to amend do not go far enough. My statement is developed to support this observation.

The LEAA has grown substantially since its establishment in 1968. Its budget has been increased sharply from the initial appropriation of $63 million to $809 million in 1976. The impact of the agency was expected to reduce crime and delinquency by channeling federal financial aid to state and local governments, to conduct research in methods of improving law enforcement and criminal justice, to upgrade the educational level of law enforcement personnel, to develop applications of statistical research and applied systems analysis in law enforcement, and to develop broad policy guidelines for both the short and long-range improvement of the nation's criminal justice system as a whole. (LEAA Third Annual Report of Fiscal Year 1971, Washington, D.C.: U.S. Government Printing Office, 1972, p. ii.) But crime continues to rage in America. Violence is rampant, somewhat routine phenomenon. The crime control bureaucracies are still corrupted by institutional racism, and devastating oppression that continues to plague poor White people, Blacks, Chicanos, Puerto Ricans and other minorities who are selected in large numbers by criminal justice agencies, literally as commodities in one of the biggest businesses in the country. The LEAA is now threatened by the same disease that damaged criminal justice agencies it was established to assist. The Law Enforcement Assistance Administration has become the fastest growing arm of government, and is presently an attractive plum in the arena of politics and information peddling.

Mr. Chairman, the Alice in Wonderland practices of this crime fighting Agency contradicts its mandate for comprehensive planning and innovative approaches to crime prevention and safer streets.

The hodge-podge assignment of programs and projects are flagrant and even if the tendency to rely on technocratic solutions to social problems were sound, and the belief that progress can occur through enlightening managers and policy makers were correct the LEAA would be doomed to failure by virtue of a weak base of planning and management of the resources based upon the purposeful direction of a plan.

Furthermore, the loud hue and cry for the dumping of rehabilitation coming from some surprising forces, must be taken into consideration in this pertinent forum. Mr. Chairman, there has been a one sided push for use of prison as punishment for offenders of the seven so called "index crimes", namely robbery, willful homicide, forcible rape, aggravated assault, burglary, theft of fifty dollars or over, and motor vehicle theft. Unfortunately, as a rule, these crimes are associated with Black offenders who already congest jails and prisons. I was of the opinion that the LEAA represented a "Magna Carta of prison reform" placing considerable importance on preparing the offender for assimilation into society. In 1971 Attorney General Mitchell announced at a meeting of the National Conference of Corrections, new federal initiatives to assist state and local corrections programs to bring "genuine reform" to prisons and *corrections*. It should be humiliating to LEAA if this call for initiatives were serious because in spite of this great mandate there is plenty of talk about the failure of rehabilitation (A myth that never existed) which is part and parcel of corrections as it is conceived today. Some of those who call for a dumping of rehabilitation did research under the auspices of LEAA. Because of an environment of both dishonest decisions and rhetoric many believe that the call for a practical use of prisons is a strategy with an objective of saving one of the nation's biggest businesses—the multimillion dollar prison business.

The one sided dialogue about rehabilitation's failure attests to LEAA's shortcomings in developing policy guidelines for change that are clear and acceptable to the policymakers that depend on the agencies for support. As one example,the recommendations of the National Commission on Sentence Reforms, funded in part by LEAA, calls for the kind of sentence reform that would impact both the judicial process and reduce the heavy use of jailing and imprisonment. Yet the LEAA stands idlely by while the strange fairly influential voices of reactionaries, have created an arena wherein the strategy of mandatory use of prison solely for punishment is not only debated, but given an aura of credibility by a convergence of planning (notably, the Kennedy bill calling for mandatory prison sentences), and promotion by both liberals and conservatives. Neither the force of the LEAA, nor the prestige of the Commission has been invoked to counteract even the rhetoric of plans of the politicians and self-styled thinktankers who seem to be grabbing at straws—questionable research, a press that seems to thrive on boosting new reactionary lines—to promote more of the same old criminal justice processes. Moreover, the silence gives credence to the feeling of ordinary people that the LEAA is a modern phase of the legal order in the United States characterized by greater centralization of crime control and a much more organized and effective form of legal repression. Although the misuse of criminal justice system in the south as a means of controlling Blacks was flagrant and the constant necessity for

push by Blacks for the government to assure equal protection in the localities are evidence that the system can be turned against the disadvantaged of all classes and races, the remedy is not to be found in a national police state.

The loud hue and cry of Black people for equal protection of the law was for the force of national government to cut out the cancer of injustice in the localities. This has been done to a degree in the field of education.

The courts have functioned to initiate equal access to educational resources without establishing a National Program to Manage Education. But, whereas crime control was formerly in the hands of local police and other local criminal justice forces, crime control in the '60's and '70's became a primary concern of the federal government. This was not done as a result of unjust practices in local communities, on the contrary, while lynchings and lawlessness raged in the South neither the congress, nor the feeble rhetoric of liberal administrations, could muster enough strength to pass anti-lynching legislation. This trend developed in the wake of the assassination of Dr. Martin Luther King, Jr. the Omnibus Crime Control and Safe Streets Act of 1968, which established the LEAA, was passed hastily as the incidents of revolt were hitting large cities. So many people believe the silence regarding the creation of the agencies by those forces that were seeking to establish substantial social change means consent or capitulation to stronger control and containment. People believe that planning, such as it is, is moving in the direction of crime control to maintain domestic order. Although funds for this objective are allocated to states and local governments, the overall system is designed and dictated by the federal government. An example of the tendency of federal bureaucracies to be used in processes of political intrigue happened right here in the District of Columbia during the time my tenure as Superintendent of the Lorton Correctional Complex when the federal administration called for stronger crime control. Associate Deputy Attorney General Donald Santarelli (later appointed Administrator of LEAA) by defining the problem as one of insufficient laws and inadequate law enforcement carved out actions that were in essence the government's response to the riots, assassinations, and "crimes in the streets" by police control and military action.

For example, in July of 1970, Nixon signed into law the District of Columbia crime bill. Crime in the District of Columbia had become a symbolic issue for Nixon and the Congress, deserving an exemplary crime control program. Among the features of the bill, in addition to new laws of regulation, are the following repressive measures:

> Authorization for "no-knock" searches, under which a policeman with a warrant could force his way into a building without announcing his presence or identifying himself if there was reason to believe evidence inside would otherwise be destroyed.
>
> Preventive, or pretrial, detention, under which a defendant could be jailed without bail for up to 60 days if a hearing established that he might commit further crimes if he were released.
>
> Establishment of a mandatory five-year sentence upon a second conviction for a crime of violence in which the defendant was carrying a gun.
>
> Authorization for wiretaps by the police with court approval, but restricting their use when the communication involved was between physician and patient; attorney and client; clergyman and parishioner; or husband and wife.

The bill not only regulates crime in the District of Columbia, but serves, as Attorney General Mitchell suggested, as a model for all states of the nation.[1]

When the police of the District of Columbia kicked in the wrong door their actions almost caused a riot at the central prison of the Correctional Complex.

When I was enabled, by the support of the Director of Corrections for the District of Columbia, to make use of the Rehabilitation Act of 1965 in response to some of the social diseases that influence criminal behavior the White House, through spokespersons in District police, judicial and political circles, influenced the Director to retreat from a policy of rehabilitation, at the same time that the law enforcement agency received a boost of 1,000 police to put down crime and protest related to the Anti-Vietnam protests, and ten new judges, while at the same time blocking correctional programs and reinforcing a containment philosophy that is a proven crime producing instrument.

Ironically, the Criminal Justice Planning Committee, under the direction of Blair Ewing led the attack on the Rehabilitation Programs that never had an honest trial. I had launched educational, training and employment programs in the prison community extending into the free community—making use of legitimate community resources of education (Federal City College & Washington

[1] See Richard Quinney, *Critique of Legal Order* (Boston: Little, Brown & Company 1974, 1973), p. 103.

Technical Institute) training motivation and hygiene. Individual, group and community vices of the prison community and prejudices were disappearing. Morale was increased among both the Keepers and the Kept. Internal security was enhanced and we were developing a capability for monitoring the community oriented programs to assure a high level of responsibility by staff and prisoners alike. But, media manipulating forces, and an inappropriate use of data that was promoted as an accurate assessment of the newborn programs was able to stop our thrust, and I understand that continuing interference, the latest by former Attorney General Saxbe, and the president himself was dubious about the effectiveness of community corrections that has not been fully tried, including probation. The Administration's objectives were boldly presented then, and aims are clear now, as reflected in the statement by former Attorney General John Mitchell that what happens in the District of Columbia serves as a model for all of the states.

Mr. Chairman, the Law Enforcement Assistance Administration has not tried to say what crime is and has a narrow concept of the function of the criminal justice process, particularly relating to the roles of the police, responsible agents in the judicial process, and corrections undergirds its grants and assistance policies and practices. I must say a word or two about what crime is, what it means in core cities, for your information as you ponder reauthorization for the LEAA.

This is not an effort to impose simplistic definitions upon the committee, nor to imply we hold some twisted notions about right and wrong—that we uncritically view those people ripping off citizens on the street as modern Robin Hoods, or as individuals attempting to survive in the sense of a miserable Jean Valjean. I want to say something about crime that could be taken into consideration as you propose to reauthorize a program that hardly ever responded to this phenomenon in terms of the whole relations of society. In analyzing street crimes we need to have assessments that correspond more clearly to the actual conditions of people's existence.

More than 75% of the crime that people are afraid of includes so called "street crime", and is made up of crime against property. When people worry about crime they refer to the total spectrum of crime and they believe that all of it can be characterized by those kinds of crimes symbolized by the four hundred more or less men and women who face capital punishment. It is acknowledged that the dangers of first degree situations, considering of course their guilt without doubt at all, are the kinds of behavior that must be prevented and contained in institutions. The fact of the matter is that more than two thirds of the nation's criminals selected for service in the criminal justice system committed crimes against property. Crime is the misinterpretation of the material conditions for those young minds daily assaulted by the brutal conditions of the "street." It is imperative that we provide an interpretation of those material conditions for those young minds—let's tell the truth about the exploitation, the racism, the sexism, and the imperialism upon which the country was built. Perhaps then there will be hope for tomorrow as they begin to help us straighten out the mess.

LEAA OPERATIONS

In addressing the operations of the LEAA over the past few years, I have been forced to restrict the scope of my inquiry. For the purposes of this testimony I will limit myself to commenting on the general operation of the agency; examining aspects of the discretionary funding program, focusing particularly on corrections programs; and making a brief comment regarding the block grant program. I will then offer my general and specific recommendations for the agency.

LEAA was created with the passage in 1968 of the Omnibus Crime Control and Safe Streets Act to serve as a partner with the states and localities in strengthening and improving law enforcement at every level. In retrospect, an analysis of the social and political events of the day, coupled with an understanding of the philosophy and intentions of the federal administration in power at the time, lead one to have grave concerns regarding the purpose and inspiration behind the birth of the Agency. Ghetto rebellions against the poverty of life for minority people in the cities of this country, campus protest against a war in which people rightly saw no purpose, and other pressures for civil rights and social justice had reached a peak. Justified social unrest was occurring in proportions unheard of for decades. Press and television accounts were full of sensationalized incidents of violence, and difficult social struggles which were characterized all too often as unnecessary and illegal blows against the established order. In this setting the LEAA was created to improve our national vehicles for law enforcement, an extension of the federal "war on crime."

My own analysis of that period requires me to believe that the LEAA was created, that the Omnibus Crime Control and Safe Streets Act was passed, as a

reaction to the legitimate efforts of citizens of this country to correct the social and economic injustices which had festered for so long, and to change the course of a Federal Government which had become unresponsive to the needs and desires of the people. Those actions were characterized as crime, along with the everyday occurrence of violence and theft which unfortunately spawned naturally in the oppressive and decaying communities in which many of our citizens, particularly minority citizens, were and are forced to live. Since this "crime" could not be reduced without drastically altering our social and economic processes, the modernization and improvement of law enforcement was the only alternative available to the Federal administration. And so, the LEAA began its task of improving the nation's ability to reduce "crime."

DISCRETIONARY FUNDING

The discretionary funding program authorizes the direct expenditure of Federal funds under the administration of the LEAA, through its regional offices. Recent testimony before the Subcommittee on Criminal Laws and Procedures of the U.S. Senate Judiciary Committee by Mr. Milton Rector, Director of the National Council on Crime and Delinquency, an old and established private sector criminal justice agency, describes the difficulty of obtaining comprehensive information on discretionary grants made by the agency, which was confirmed by my limited investigation. Only partial information on these grants is available for funds spent through 1972. And while expenditures for 1973 were reasonably complete, only sketchy information is now available for 1974 and 1975. I concur with Mr. Rector's concern over this lack of information, but would like to comment on the nature of discretionary awards for which I have obtained information.

As the attached NCCD-prepared analysis indicates, police and adult corrections programs funded by 1973 discretionary grants received by far the largest portion of the total funds disbursed; 21% to the police, 28% to adult corrections. I am particularly concerned by what I have learned regarding the nature of many discretionary grants made to support police programs over the years. These grants show an alarming tendency toward bolstering police technology and weaponry, and I am fearful that this is being done with little or no regard for the consequences such development has on the exercise of the freedoms and liberties of the American public. I do not share the agency's contention that these programs are of real value in reducing real crime, but believe instead that they have been used to suppress legitimate dissent. Social unrest has too often been labelled crime as a justification for otherwise unjustifiable police action. LEAA discretionary funds have been used for example: To purchase a tank for the Louisiana State Police, a tank used in storming Black Panther Party headquarters in 1970; to equip police in Baton Rouge with M–16's and sub machine guns, equipment eventually used to break up a Black Muslim rally in that city; to organize and equip tear gas and sniper squads in New Jersey; and to provide helicopters for a number of forces.

TABLE 1.—LEAA DISCRETIONARY FUND EXPENDITURES, FY 1973 BY PROGRAM CATEGORY

	Discretionary funds spent by all States	
	Total	Percent
Police	28,324,856	21.5
Courts	11,403,697	8.6
Legislation		
Hardware	6,871,879	5.2
Adult:		
Corrections	37,326,733	28.2
Research/evaluation	20,544,124	15.6
Data systems	11,407,430	8.6
Prevention		
Miscellaneous	3,600,667	2.7
Subtotal	119,479,386	90.7
Juvenile:		
Correctional institutions	680,360	.5
Community-based alternatives	6,249,426	4.7
Prevention	3,121,499	2.4
Data system	1,326,790	1.0
Research/evaluation	585,428	.4
Administration	294,880	.2
Subtotal	12,258,383	9.3
Total	131,737,769	100.0

Source: Prepared by National Council on Crime and Delinquency.

Additionally, millions have been poured into programs of clandestine surveillance, data gathering and intelligence networks. LEAA sponsored the construction of statewide data banks on "actual or potential troublemakers". In Oklahoma, an LEAA grant enabled the National Guard to compile dossiers on six thousand individuals, only one third of which were Oklahomans. In addition, LEAA has sponsored a project aimed at developing a national intelligence network, which has grown into a computerized "criminal justice information center" now operated by the FBI. This system contains information not only from official records, such as an arrest record, (regardless of the disposition of the case) but also information from informants, wiretaps, employers, etc. The net result of these costly programs to provide police agencies with sophisticated data systems and technical and electronic hardware has been to create, for all practical purposes, a national police force with an extraordinary capability to respond in force at the first sign of unrest. In my view, the value of this capability for impacting the incidence of street crime is extremely minimal.

Excessive purchases of police technology however is not the only area in which LEAA has made a mistake in my view, and I would like to move on to what I view as the most significant bureaucratic impediment to the functioning of this agency to postively impact the operation of the nation's criminal justice processes. To illustrate, I want to discuss the National Advisory Commission on Criminal Justice Standards and goals. This Commission was created in 1971 and financed by $1.75 million in LEAA funds to develop a blueprint for crime reduction programs for state and local units of government and the private sector. The standards and goals are designed to serve as a model for state and consistent program of "dramatic" change, as recommended by the Commission, funds have too frequently been spent to maintain the present system; spent to attempt the impossible of making the present system work. This is not to say that no valuable programs have been funded. There have been some good projects initiated and maintained by LEAA spending, e.g., the community-based program in Des Moines and an excellent definition of prisoners rights, rules and regulations produced in Boston come to mind immediately. But the planned implementation and continuation of this kind of effort seems to be lacking. Too often the actions of the agency appear to be highly subject to the political needs and whims of the day. The possibility of LEAA funds being used to reopen the decrepit Tombs prison in New York City in the haste to funnel federal funds to the city is one example. In some cases programs which are funded allow too much room for discretion on the part of the particular administrator of the program, resulting in the program's impact being subject to the personal philosophy and persuasion of the administrator.

An LEAA funded corrections program operated by an administrator committed to change, committed to getting out of institutions that 80–90% of those men and women currently incarcerated who a vast majority of corrections professionals would agree require no confinement, will not have the impact of the same, or a similar program operated by an administrator who sees the need to go slow. I believe that the changes called for by the Advisory Commission report are quite clear and that LEAA discretionary funds should be committed to the substantial achievement of these goals. That they are not indicates either that LEAA is really not committed to achieving the goals outlined by the Commission or that there is a serious lack of comprehensive planning on the part of the agency. (It is interesting to note that programs set up within the State Planning Agencies to oversee the implementation of the standards and goals are rapidly disappearing. In Massachusetts for example, the staff involved in seeing to this implementation has been reduced to a single person.) I concur with those who urge that LEAA needs a strong planning capability, assembled to insure the primary and substantial contribution of those who are intended to be the consumers of the services provided by the agency; the people most directly affected by the operations of the police, the courts and the prisons.

In general, I have found other LEAA efforts in the corrections area to be inconsistent; a collection of programs grounded in philosophies covering the entire spectrum of correctional approach, from containment to community-based alternatives. Too often federal dollars have been spent to attempt to deal with the myriad of problems that arise quite naturally from our predominantly institutionally-based corrections systems, rather than striking at the source of the problems themselves, the institutions. We have spent too much money trying to make the system work, rather than spending to create new alternatives, or to fully fund those that already exist. The United States incarcerates more people proportionate to its population than any other industrialized nation in the world, and yet it has done no good. Each year we spend billions in local, state, regional and federal

corrections systems, which show little or no return. I am dubious of the value of spending more dollars on corrections studies and evaluations, measurement techniques and even classification studies. These dollars frequently line the pockets of traditionalist correctional agencies, large universities and consultant firms, at the expense of existing community-based programs which are struggling for economic survival and offer a ready alternative for men and women languishing in institutions. I am even more dubious of money spent to devise new treatment methods, a euphemism for new, largely untested, potentially dangerous and probably unconstitutional behavioral modification programs. Behavior modification is traditional corrections' latest attempt to maintain itself and the status quo against the growing movement for real correctional change. It is time we face the reality that it is not the behavior of individuals that needs modification, it is the social and economic processes of this country which deny jobs, schooling, vocational training, decent housing and medical care to millions of people that needs modification. Mr. Chairman, these issues may be beyond the scope of the LEAA to effect, but I would hope that this agency could, at the very least, not work against the efforts for significant social change by propping up institutions which are part of the problem.

BLOCK GRANTS

Finally, I want to turn briefly to the Block grant program, the manner in which 85% of LEAA funds are spent. Again obtaining detailed information on expenditures is frequently difficult, due largely to the fact that the states do not fully report their expenditures and the LEAA has only a minor capability to monitor funds spent by them. From information we have obtained it is clear that the states have followed the federal expenditure pattern in that they have spent more on police related programs than on other parts of the criminal justice system. The attached list, also prepared by NCCD, shows that pattern. The disproportionate police funding can be seen in even greater relief when we look at some specific states. Arkansas for example ranks 33rd among the states in population, but ranks 13th among the states in Block grant disbursements for police, and 9th in expenditures for hardware. Louisiana, which ranks 20th in population, ranks 8th in Block grant police spending.

TABLE 2. LEAA BLOCK GRANT EXPENDITURES, FY 1975 BY PROGRAM CATEGORY

	Discretionary funds spent by all States	
	Total	Percent
Police	102,929,316	28.3
Courts	48,145,345	13.2
Legislation	193,806	.05
Hardware	21,713,810	6.0
Adult:		
Corrections	67,534,715	18.6
Research/evaluation	19,343,254	5.3
Data systems	26,478,611	7.3
Prevention	28,095,943	7.7
Subtotal	314,434,800	86.5
Juvenile:		
Correctional institutions	5,778,001	1.6
Community-based alternatives	23,437,235	6.4
Prevention	19,289,895	5.3
Other	308,986	.08
Subtotal	48,814,117	13.4
Total	363,248,917	99.9

Source: Prepared by National Council on Crime and Delinquency.

What concerns me most in the operation of state Block grant programs is that, like on the federal level, consumers and lay citizens are largely excluded from substantial contribution to the planning and policy making functions of these agencies. In Massachusetts, for example, the Committee on Criminal Justice, the state planning agency, is composed largely of District Attorneys, elected officials, heads of state agencies, police officials and representatives of large universities. In many cases members of the proposal review committee are representatives of

agencies applying for, and frequently receiving, block grant disbursements. A conflict of interest is obvious, as is the traditional neglect of those who are deemed unworthy of participating in the criminal justice process as anything other than clients. I am convinced that our criminal justice agencies, particularly correctional agencies, will experience no real reform until we begin to involve ex-offenders and their families meaningfully in the reform process. I am equally as concerned with the lack of Black and other minority participation in the decision-making process of the Massachusetts planning agency. Black representation at all decision-making levels is clearly below Black representation as victims in the criminal justice system, and is even below Black representation in the state's population. This is a circumstance which I would not be surprised to find in most other states as well.

COMMENTS AND RECOMMENDATIONS

I have just a few brief comments and recommendations to make regarding the continued operation of the LEAA. In this it is important to remember that this agency is charged with responsibility for reducing the incidence of crime; not an agency to assist in suppressing dissent, institutionalizing racism, maintaining the status quo, or arming the police to the teeth. It is clear to me that the real causes of crime are embedded in the inequitable operation of our economic system; a system which just as surely as it produces a handful of millionaires, secure in the protection of their property, person and privilege because of their money, also produces millions of poor people who are unable to find a decent job, adequate housing and an equal opportunity because of their poverty. Crime will never cease until we have managed to remedy these problems. In the interim however we can stop compounding the problems we face. We have to realize that we cannot solve social problems with technological solutions; that we cannot administer justice from the top down as if we were giving medicine to a child; we cannot hope to improve institutions with dollars that have failed because of their very nature. Mr. Chairman, I believe steps must be taken to achieve the following: Increase the substantial contribution to LEAA decision-making on all levels of operation of those who experience the effect of the agencies LEAA is designed to impact; the police, the courts, and the prisons. Clearly the professionals and experts we have relied upon in the past for solutions to the problems inherent in these agencies have shown a striking inability to meet the needs of the people.

Direct substantial funding to the depopulation and closing of prisons on all jurisdictional levels, from the federal system on down. For years we have known that prisons do little more than foster crime and return embittered, disillusioned people to the street more prepared than ever to commit crime. Our system of institutionalized corrections is far too costly in human and financial terms to allow it to continue, particularly in light of clearly defined, less costly and potentially more successful alternatives.

Reduce expenditures for police hardware and technology, and avoid the trap of feeling that more is better; more police, more courts, more prisons. Instead we must begin to find the ways of providing the services people really need.

TESTIMONY OF JOHN O. BOONE, FORMER COMMISSIONER OF CORRECTIONS OF THE STATE OF MASSACHUSETTS, URBAN AFFAIRS DIRECTOR, STATION WNAC-TV, BOSTON, MASS.

Mr. BOONE. Mr. Chairman, I am quite pleased to appear before the committee. I am quite handicapped at this time because being forced to sit behind two previous persons making statements, you go through a whole lot of changes.

So I will move quickly, but I will probably need to refer occasionally to comments of preceding testimony.

Mr. CONYERS. Well, feel free, Mr. Boone, to comment on any of the discussion that you have heard while you have been here in the hearing room. We would have no objection to that whatsoever.

Mr. BOONE. I hope that my testimony will be comprehensive enough to touch some of those areas. I sense at the present time a great ground swell of interest in criminal justice policy, particularly issues

surrounding the effectiveness and credibility of law enforcement and penal practices.

This ground swell has developed, in my opinion, in the aftermath of a greater visibility of crime on high levels. The general public is becoming increasingly aware of the very high cost, both the social cost and the financial cost of the Nation's incredible criminal justice processes.

Prior to Watergate and other situations of high crime and immorality, public ignorance and indifference made criminal justice agencies, particularly law enforcement and the penal process a tool of corruption, political intrigue, and human exploitation. Criminal justice agencies are still badly mismanaged, ineffective and unreliable as instruments of justice and social control. But now because the public is more aware of the system's vicissitudes, there is hope for the future. The time for transformation is at hand.

It is timely for the LEAA to be up for authorization. The administration is part and parcel of the whole problem. It was established as an agency for planning and policy development. It provides an influential flow of revenue and as a direct result of miscellaneous grant making, at the present, its effect seems to be positive, negative, and reinforcing of the status quo all in one breath.

I have scanned the bills proposed to amend the Omnibus Crime Control and Safe Streets Act of 1968 which encompass the LEAA. These bills to amend do not go far enough. My statement is developed to support this observation.

The impact of the agency was expected to reduce crime and delinquency by channeling Federal financial aid to State and local governments, to conduct research in methods of improving law enforcement and criminal justice, to upgrade the educational level of law enforcement and criminal justice, the personnel, to develop applications of statistical research and applied system analysis in law enforcement, and to develop broad policy guidelines for both the short and long range improvements of the Nation's criminal justice system as a whole.

But crime continues to rage in America. Violence is rampant, somewhat routine phenomenon. The crime control bureaucracies are still corrupted by institutional racism, and devastating oppression that continues to plague poor white people, blacks, Chicanos, Puerto Ricans and other minorities who are selected in large number, by criminal justice agencies, literally as commodities in one of the biggest businesses in the country.

The LEAA is now threatened by the same disease that damaged criminal justice agencies it was established to assist. The Law Enforcement Assistance Administration has become the fastest growing arm of Government, and is presently an attractive plum in the arena of politics and information peddling.

Mr. Chairman, the Alice in Wonderland practices of this crime fighting agency contradicts its mandate for comprehensive planning and innovative approaches to crime prevention and safer streets.

Furthermore, the loud hue and cry for the dumping of rehabilitation coming from some surprising sources, must be taken into consideration in this pertinent form. Mr. Chairman, there has been a one-sided push for use of prison as punishmet for offenders of the seven so-called index crimes, namely, robbery, willful homicide, forcible rape, aggravated

assault, burglary, theft of $50 or over, and motor vehicle theft. Unfortunately as a rule, these crimes are associated with black offenders who already congest jails and prisons.

I was of the opinion that the LEAA represented a Magna Carta of prison reform placing considerabe importance on preparing the offender for assimilation into society. In 1971 Attorney General Mitchell announced at a meeting of the National Conference of Corrections, new Federal reforms to prisons and corrections.

It should be humiliating to LEAA if this call for initiatives were serious because in spite of this great mandate there is plenty of talk about the failure of rehabilitation; of course this was a myth that never existed but now considered part and parcel of corrections as it is conceived today.

Some of those who call for a dumping of rehabilitation did research under the auspices of LEAA. Because of an environment of both dishonest decisions and rhetoric many believe that the call for a practical use of prisons for punishment is a strategy with an objective of saving one of the Nation's biggest businesses—the multimillion dollar prison business.

All prisons are moving backward into the Dark Ages. All prisons are moving backward into the Dark Ages of totalitarianism. This means they won't let the press in, they limit visits, if there are disorders, they won't let anyone know the truth about what happened. It has moved way beyond the time when I started as a prison guard at Atlanta Federal Prison, and I worked there in various capacities and I never experienced a riot and only two persons were killed. Now people are getting killed every day and there are talks of riots every day.

LEAA has not, with all of its innovative thrust, been able to get administrators to put a sensitivity in the prisons that would cut out some of these rebellions. There is a great inability to deal with people, men and women, on a man-to-man, woman-to-woman basis in prison.

I want to mention briefly that I was privileged to look at all the prisons in Alabama as an expert witness recently, and I say thank God for the courts, because that was a landmark decision that will hopefully correct the worst prisons I have seen. All the prisons were messed up. Thank God the judge ordered the "dog houses" (better known as holes) to be torn down.

There were 10. I opened the door of that dungeon and the temperature was 105. In the first cell I saw six young men, average age of about 20, one black young man and five whites and the next one had five black men and one white and the others were stuffed with groaning young men.

The judge had them knocking the buildings down the next day. I saw only 10 guards on the worst watch you can have, the evening watch. They were at the whim of the prisoners. No kind of management capability style at all, no money, no bookkeeping to facilitate prisoners to exchange for goods and commodities. Real money was used. You can take that money and buy corrupt guards who earn little more than $200 every 2 weeks. This kind of cheap labor is very expensive.

Nobody was safe in that prison. The guards and the doctor told me that his regular procedure on Wednesday was to go sew the men

up, some from assault homosexually and some as a result of being cut. The judge almost took that prison into receivership.

That is one of the worst prison systems but there are many others that are just like the Alabama system in this country.

Mr. McCLORY. When was that?

Mr. BOONE. In August 1975. The Time magazine just a few months ago published those terribly realistic pictures of the men in the crowded cells. Really, that was just one example, but all of them had men piled on top of each other in cells. The situation was out of control in the State of Alabama.

As one example of what can be done about crowded prisons, the recommendations of the National Advisory Commission on Sentence Reforms, funded in part by LEAA, calls for the kind of sentence reform that would impact both the judicial process and corrections and reduce the heavy use of jailing and imprisonment.

Yet the LEAA stands idly by while the strange alliance of fairly influential voices have created an arena where in the strategy of mandatory use of prison solely for punishment is not only debated, but given an aura of credibility by a convergence of planning, notably the bill by Senator Edward M. Kennedy, calling for mandatory prison sentences, and its promotion by both progressives and conservatives.

I am afraid of the dangers of centralization. I want us to move back to local control but if the hodgepodge way of LEAA planning continues, we will be in bad shape.

I would like to mention the notion of the Attorney General for mandatory sentences as a way of getting rid of parole. That could occur. In my opinion with mandatory sentences agencies of parole could be ended. Whether the sentences were 2 years or whether they were 10 years, the parole process would disappear.

You would not need a paroling instrument. That would not be so bad. I don't go for mandatory sentences but definite sentences where a man knows when he is going to get out, where a man or a woman can enter into a deal and say if I work, bring time off my sentence but don't take it away from me. That is the way.

Let me earn it. We need to get rid of an agency that is outdated, I think, to get rid of "indeterminacy".

Mr. McCLORY. If the witness would yield, I think the Attorney General's recommendations for parole were along that line. He wants to revise the parole system and make it more uniform and not so flexible.

Also, where there is a violation of parole, that the time which the parole had been accorded would still be counted as good behavior on the parole.

That is my interpretation. I think it is a little unclear at this point precisely what he is recommending. But as you indicate, there is some need for revision in parole.

Mr. BOONE. I will go further than that. I have not read his bill. I say I kind of agree with him that we must do something with abuses of parole. I was chief of classification and parole at Atlanta Federal Prison, and Terre Haute. We have good Federal legislation.

It has not been used nor misused. I say that with definite sentencing, there is nothing needed more than definiteness in the criminal justice

process, where persons would know exactly when they are going to get out of what they are into. Then you would not need an impersonal situation, somebody who does not know the offender at all to get paid to say when that particular person is to get out.

My testimony is included in the record in full so I want to move on to another point.

I will not go into detail about excessive purchases of police technology, because this is not the only area in which LEAA has made mistakes, in my view, and I would like to move on to what I view as the most significant bureaucratic impediment to the functioning of this agency, preventing its positive impact on the operation of the Nation's criminal justice processes.

To illustrate, I want to discuss the National Advisory Commission on Criminal Justice Standards and Goals. This Commission was created in 1971 and financed by $1.75 million in LEAA funds to develop a blueprint for crime reduction programs for State and local units of government and the private sector.

The standards and goals are designed to serve as a model for State and consistent program of dramatic change as recommended by the Commission, with the hypothesis that funds have too frequently been spent to maintain the present system—spent to attempt the impossible of making the present system work. But the LEAA seems to make little use of the plans nor encourage direction.

I have just a few brief comments and recommendations to make regarding the continued operation of the LEAA. In this it is important to remember that this agency is charged with responsibility for reducing the incidence of crime, not an agency to assist in suppressing dissent, institutionalizing racism, maintaining the status quo, or arming the police to the teeth.

It is clear to me that the real causes of crime are embedded in the inequitable operation of our economic system, a system which just as surely as it produces a handful of millionaires, secure in the protection of their property, person and privilege, because of their money, also produces millions of poor people who are unable to find a decent job, adequate housing and an equal opportunity because of their poverty.

Crime will never cease until we have managed to remedy these problems. In the interim however we can stop compounding the problems we face. We have to realize that we cannot solve social problems with technological solutions; that we cannot administer justice from the top down as if we were giving medicine to a child. We cannot hope to improve institutions with dollars that have failed because of their very nature. Mr. Chairman, I believe steps must be taken to achieve the following:

Increase the substantial contribution to LEAA decisionmaking on all levels of operation of those who experience the effect of agencies LEAA is designed to impact; the police, the courts, and the prisons. Clearly the professionals and experts we have relied upon in the past for solutions to the problems inherent in these agencies have shown a striking inability to meet the needs of the people.

Mr. McCLORY. When was it you served as the Massachusetts prisons director?

Mr. BOONE. 1972–73.

Mr. McCLORY. I appreciate your statement. I wondered if counsel has some questions. I notice in your statement you tend to attribute the cause of our breakdown in ethical and lawful conduct to the economic system which you judge results in impoverishment of large segments of the society. You sort of castigate the millionaires that I am not too familiar with myself.

Mr. BOONE. I did not quite castigate them. It is in the context of my formal testimony. What I said in essence was that—you know, the wealthy are secure, and the poor are not. I attended the conference right here in Washington in 1965 where all the planning was done, the National Commission on Law Enforcement and the Administration of Justice.

These were good plans and plans which over a long period of time, 10 or 15 years, could have resulted in something better for criminal justice. Then there were revolts all across the country in the wake of the assassination of Dr. Martin Luther King, who preached about the plight of the poor. Everybody does not want to be millionaires—I don't—but everybody should be guaranteed health, decency, and security as far as possible.

They just want to make a decent living. For the system to respond appropriately, it is going to take time; but with deliberateness. I caution the LEAA to avoid being a holding agency to sit on a situation. We are more intelligent than that. If you are honest with citizens and you look honest in moving toward some corrections that are of the systems and mandate the LEAA to make a better criminal justice system, as it is supposed to do, we would be better off.

No doubt about it, bad schools, bad education, bad political systems in general are criminal and create crime.

Mr. McCLORY. Are you familiar with the message delivered in Washington here just 2 weeks ago or just recently by Jessie Jackson when he came here and visited Washington?

He spoke with a large number of primarily black citizens in the churches, schools, and so on. He delivered quite a forceful message each time and it seemed to me it was very inspiring to us as far as particularly the black community was concerned.

It is not always too easy for a white to judge what is a good message as far as the black community is concerned, but I was very interested in reading about those reports as they were reported by a black journalist by the name of Raspberry who commented the Jessie Jackson message was an important message.

Mr. BOONE. I don't want us to be scapegoats. There are millions and millions of poor people. Blacks are just so visible. The system is not responding too well. Unfortunately. Sometimes blacks get in a position to be hurt. Concord prison blew up the other day. This was a prison that is in Concord, Mass., where it all—America's fight for independence—started.

The prisoners got the electorate. They got a chance to vote and a young man ran for the office of selectman of Concord. The people were supporting him. The seeds of unrest, poverty were already planted in that community. I had about 70 white prisoners regularly go berserk at Concord because the seeds were there. But they were looking at "Dog Day Afternoon" or some inflammatory movie on the

weekend, with booze and bad supervision. They did $1.6 million worth of damage, 60 men, among 500 prisoners.

But the whole prison population is being scapegoated as responsible—undeserving.

So the progress toward the franchise will not move on because they have been made visible and society can come down on them harder, document their badness, keep them down.

Mr. McCLORY. The problem is a very complex one which we have to really devote all our energies and our resources to in order to try to resolve creating these sins of the past and the deficiencies and to look at the whole crime problem in a very comprehensive way, including the economic dislocations, the family structure, the religious life of the country and all of the educational aspects.

Mr. BOONE. I believe this is in the process. The people will wait if there is honesty. If there is all deliberate speed in your moving toward just political decision, people can wait. But it is not like that now. There is publicity about the FBI, the CIA, and abrasive police forces and all. This causes distrust.

I hope the LEAA will become an instrument of honesty in all of these agencies and not a tool to be used to let somebody keep jobs. I am worried about whether or not the Congress would enable those people who would lose jobs as a result of cutbacks in New York in The Tombs, instead of resettling them in another job, abuse that agency and exploit people in prison and jail without doing something innovative instead.

I hope this can become an honest agency that would demand and mandate some honesty in all of its processes.

Mr. McCLORY. I am glad to hear that statement.

It has been important for us to unearth and expose all of the deficiencies in our society, including in our government. But those exposures have got to come to an end and we have got to restore creditability and restore public confidence and to go forward, as you say, with hope and with determination to make for a better and a stronger and a more law abiding society.

Thank you very much, for your statement here this morning.

Mr. BARBOZA. If you were charged with the responsibility of developing standards and goals for the criminal justice system, where would you begin?

Mr. BOONE. For the criminal justice? I started in both Lorton and in Massachusetts with getting a reasonable standard of health and decency and honesty in the prisons. In that way rules and regulations were provided that they could abide by.

Mr. BARBOZA. I am referring to the overall criminal justice system. How would you approach the issue of reducing crime, finding more effective methods of reducing crime?

Mr. BOONE. We must refer to the people. I heard Congressman Conyers say don't scapegoat society. I agree. But we, criminal justice officials, take advantage of society's indifference and ignorance and we leave them out.

I attended a meeting here that cost $400,000—Federation of Women's Clubs Crime Prevention Conference.

Mr. BARBOZA. You have had a tremendous amount of experience in the criminal justice system. I was impressed by the description that you gave of the present system in one State, of the deplorable condi-

tions. You mentioned now that there are now more riots and prisons are becoming more and more despotic in leadership.

But you have dealt with the personalities. You know the people in prisons. Why are they there? Are they there because they lack jobs, because of personality problems, because society has denied them certain basic rights? Why are they there? If we know why they are there, is there a way to determine how to keep them out of there?

Mr. BOONE. They are there for multiple reasons and God knows we could talk about this for 3 hours.

Mr. BARBOZA. Are there any simple answers?

Mr. BOONE. I started with some simple answers. Prisons contain people expediently. They are there because of bad educations and no opportunities. In fact in Lorton I had some success because I could train a man and guarantee him a job.

Mr. BARBOZA. So you have seen some results?

Mr. BOONE. Sure. We have had magnificant results. My paper will attest to that. In Massachusetts, I let 1,550 men out by using parole. I impacted the population of that prison. We pushed it down and we purchased jobs support. Governor Brown thought seriously, working with my associates about trying to buy $20 million worth of jobs with LEAA money.

He said if he could not do it, he was going to send the money back. But he finally decided to go along with the people who wanted to build jails. There is a social and economic responsibility that we could do more with.

Mr. BARBOZA. One way of reducing crime would be to implement programs to educate prisoners? Get them back into society as productive individuals.

Mr. BOONE. Motivation.

Mr. BARBOZA. What would be next? How do you deal with the people in society who have not yet entered the criminal justice system?

Mr. BOONE. They are equally oppressed.

Mr. BARBOZA. I guess some people just like to commit crimes. It is easier than getting a full-time job.

Mr. BOONE. What we see in prison is a tip of the iceberg. There is still a lot of crime out there. We are talking about ordinary crime. I think that we can't deal with it because we can't see it. We catch only a little bit of it. When I got 10 extra judges in the District of Columbia I caught a lot of people at Lorton. When Chief Wilson got 1,000 extra police, I caught them.

I did not have any way out until I had a rebellion and I got hit in the side with a brick. I said there is a rehabilitation act of 1965 that I am going to implement and I did.

As soon as that happened through media manipulation and all, some judges and some police said what he is doing is illegal. They closed the prison up and went backward, you see. There are things you can do with honesty if you can tie it in with opportunity.

I know I am not getting at exactly what you want—I can give an opinion here, a panacea, not right now. But I could send you a report of some things that I have done, that I tried to do. Unfortunately they are moving backward on that in Massachusetts now. They are closing community corrections instead of opening them.

Mr. BARBOZA. The committee is faced with a problem. It mandated the LEAA programs to assist in reducing crime. There have been

studies made of the criminal justice standards and goals. People say LEAA has not implemented those goals as they perhaps should or could. But everyone is looking for answers, trying to find ways of evaluating this program and holding it up to the light.

I think that people like yourself—the committee should be looking to people like you to answer some of my questions. I don't feel you have answered my questions, really.

Mr. BOONE. I came to Lorton in the wake of riots. There were 42 percent guards who were white, 90 percent black population. There were no jobs in Washington. The prisoners were the people who dropped out and went up through the training schools and went into prison.

I used LEAA funds to develop some programs in the prison to relate to programs in the community with a real honest promise. One example is that in the high school programs, the men were not motivated. There were about 100 that would go through the changes, go through the motions of sitting in a high school class.

When I decided to start a college program and enable the men to attend the technical school program providing some technical training and actually did it and also got Federal bureaus of the District of Columbia to give some jobs and use the halfway houses to place them out, the whole institution was motivated.

When I knew that men were drug users there, that we could not—we did not know and they did not know whether they were still alcoholics and drug abusers, I opened the doors for those who could take responsibility and said when you go out, you must submit to urinalysis or blood analysis when you return, they can tell whether you have been using narcotics or using alcohol. So I can introduce you to programs that will help.

They went out and a lot of them said you don't have to give me a urinalysis, I did use drugs. So show me that drug treatment program. Furthermore, I did beat my wife. I need family therapy, conflict therapy. How in the world can you reduce crime when you are going to have a closed environment with all kinds of vices, dope and corruption you don't know anything about?

Mr. BARBOZA. Is LEAA now looking at these programs seriously? Are they attempting to implement some of these programs you mentioned?

Mr. BOONE. I am worried that LEAA is being wagged—I started to say LEAA is handled by agencies tails that wags the dog. LEAA responds to everybody it appears in a hodge-podge fashion. Council earlier mentioned that a good program in Boston and the same program in Wisconsin could be a bad program, both funded by LEAA.

This is very, very bad. LEAA will allow administrators to manipulate to reinforce institutions when they are supposed to be monitoring them and encouraging them to impact institutions.

Mr. BARBOZA. Thank you.

Mr. MCCLORY. Thank you, Mr. Boone, for your testimony.

The meeting is adjourned and will reconvene Monday at 10 a.m.

[Whereupon, at 12:07 p.m., the subcommittee recessed, to reconvene at 10 a.m., Monday, March 1, 1976.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MONDAY, MARCH 1, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:04 a.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Danielson, Hughes, and Ashbrook.

Also present: Leslie Freed, assistant counsel, and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

This morning, we are pleased to have the Governor of the State of New Jersey as a witness, the director of the National Association of State Criminal Justice Planning Administrators, Mr. Richard Harris, also the supervisor of the Kane County Board of Supervisors, Mr. Philip Elfstrom, accompanied by Ms. Jarrette Simmons, of Wayne County, and Mr. Ernest Allen, of the Louisville Regional Criminal Justice Commission.

To open the hearings, I am calling on the distinguished Governor of the State of New Jersey to be our first witness.

Governor Byrne, we welcome you to this hearing. You are one very familiar with the subject matter. We know that your background is extensive, as a State attorney general and a county prosecutor and a superior court judge.

It is, to me, relevant that you are a past president of the National Governors' Conference Committee on Crime Reduction and Public Safety.

We welcome you here today; and on behalf of the chairman of this full committee, the gentleman from New Jersey, Peter Rodino, I have been asked to extend to you his personal welcome. and to assure you that he is concerned and will follow carefully the views which you express here this morning.

I would yield to my colleague from California, if you would wish to welcome him.

Mr. DANIELSON. I merely say, welcome, and thank you Mr. Chairman, for yielding. I yield back the balance of my time.

Mr. CONYERS. Governor, we have your prepared statement. It will be introduced into the record at this time; and that will free you to proceed in the discussion as you choose.

[The prepared statement of Governor Byrne follows:]

STATEMENT OF HON. BRENDAN BYRNE, GOVERNOR, STATE OF NEW JERSEY

INTRODUCTION

I appreciate this opportunity to contribute to the review of the performance of the Law Enforcement Assistance Administration. Although monies administered under the omnibus crime control and safe streets act of 1968 constitute about 5 per cent of total State and local criminal justice expenditures, their monies have had disporportionate impact. After seven years of significant experimentation and accomplishment in State and local criminal justice systems, LEAA can benefit from oversight and redirection.

The administration bill, H.R. 9236 (and the companion, S. 2212), is an excellent starting point. The proposed five-year extension permits another complete review in an appropriate time period.

The increase in authorized expenditures to $1.3 billion a year, particularly if accompanied by actual appropriations in excess of the $800 million a year they have been averaging and the $707.9 million called for in the administration's fiscal year 1977 budget, will permit the expanded emphasis upon court programs, juvenile justice, high impact cities and community crime prevention that has rightfully been incorporated in the legislation. Congress should, however, recognize the impact of ever rising costs, and forego fixed yearly authorizations and appropriations covering five-year periods.

The increased authority given the attorney general to oversee LEAA policy and the new advisory committee to help administer LEAA's discretionary funds, have the potential of alleviating the often-apparent problem, even in New Jersey, of LEAA's administering funds in a "shotgun" manner.

The tough decisions needed for planning a criminal justice system have too often been eschewed in favor of small, uncoordinated grants which have been widely dispersed. This matter needs to be dealt with in as forthright fashion as possible because the proliferation of grants and the ineffective evaluation I refer to later are serious handicaps to the effective implementation of the program.

In reviewing LEAA's performance to date and in commending the Administration on H.R. 9236 it is important to keep in perspective LEAA's place in the fight against crime. Social unrest and economic deprivation, although never excuses for crime or criminals, are demonstrated stimulants of increased crime. So long as the Administration permits unemployment to continue at 9 percent nationally and 13 percent in New Jersey, even a utopian criminal justice system will not guarantee citizens their right to be secure in their homes and businesses and schools, on the streets, or in the parks. If an improved LEAA is to give rise to more than academic dissertations examining various pilot projects, then an improved state of the economy must go hand in hand.

Several cautions and issues should be considered, however, before H.R. 9236 is enacted.

RESIST FURTHER CATEGORIZATION OF GRANTS

LEAA has administrative guidelines which limit state planning agencies and states in the use of LEAA funds. Such guidelines are necessary if LEAA is to exert any national leadership with regard to criminal justice priorities, a function I think appropriate, although as I will discuss below, neglected.

The Congress should resist the temptation to increase categorization or to earmark funds, however. As LEAA funded efforts to implement the comprehensive recommendations of the National Advisory Commission on Criminal Justice Standards and goals illustrate, each State is unique and within certain wide parameters has its own valid approach toward the administration of a criminal justice system, and its own valid standard of success in achieving certain goals.

At this juncture, I would like to point out that the National Governor's Conference last week passed a resolution endorsing the continuation of LEAA. I chaired the Committee on Crime Reduction and Public Safety which prepared that resolution and I would like to submit it to you on behalf of the National Governor's Conference.

Another area I would like to discuss is court reform. So many of the issues involved in Criminal Justice Planning are related to the area of court reform that it would be unwise, and probably injurious, to remove the courts from a State's comprehensive planning process by creating a separate category of funding for State court systems.

Such categorization would set back state efforts to attain true comprehensive criminal justice planning and further isolate and compartmentalize the various components of a State criminal justice system.

An example of categorization in the existing Act is the provision that not more than one-third of part C block grant funds may be utilized to compensate law enforcement personnel. This restriction should be eliminated. It ignores the fact that many effective programs are labor intensive, requiring more than one-third personnel costs; and it encourages shopping list "planning."

RETAIN AUTHORITY AT STATE LEVEL

Governors retain significant authority over, and exercise considerable policy input into, State planning agency activities.

Under the reauthorization bill, the Governors would and should retain such authority.

I make this suggestion not because I am a Governor, as opposed to a mayor or county executive. I make it because what the criminal justice system needs most is comprehensive planning. Individual grant decisions, with most monies expended on the local level in any event, are fragmenting enough as is. Many problems demand maximum impact for amelioration. Although crime prevention and control are handled best on the local level, criminal justice planning is a regional task.

Most Governors have significant control over the criminal justice systems in their States. Most state judiciaries administer the county and local courts.

Such control should not be undermined through purse strings.

Of course the State legislature should be consulted as part of the planning process because they will be called upon to fund and expand many of the proposals and activities contained in a State's plan. However, a State legislature's involvement should remain within the context of the traditional relationship between the executive and legislative branch. The Governors oppose any amendment of the Act which would authorize State legislatures to review, amend or reject a State's comprehensive plan prior to its submission to LEAA.

In New Jersey, at least, State planning agency funds, except for LEAA discretionary funds, are given scrutiny within the State's budgetary process.

The New Jersey legislature and its joint appropriations committee has the benefit of the State's comprehensive criminal justice plan when considering requests for State matching funds.

MORE EMPHASIS ON COMPREHENSIVE PLANNING

All too often in the past, LEAA activities and attendant controversy, and state planning agency activities, have focused upon levels of funding or individual grant decisions, rather than upon comprehensive criminal justice planning. New Jersey is no exception. After 200 years, let alone the seven LEAA has been extant, the criminal justice system both within individual states and among the several states lacks adequate standards and goals.

One solution is for LEAA, in the next five years even more than in the last seven, to increase its inducement to States to evaluate and implement the work of the National Advisory Commission on Criminal Justice Standards and Goals. The mandate of the 1973 amendments along this line has yet to be implemented fully.

A second solution is to hold more frequent conclaves of the governing boards of each State planning agency to analyze not individual grant applications, but instead broader policy issues such as how can the State's criminal code be updated, how can the State's parole system be made more fair and effective, how can the State's standards for selecting and training police be more job related.

It must always be kept in mind that LEAA is designed to fund pilot projects. On the state level we must always step back—even before the three-year cut-off date—to ask what has been learned, and to utilize that learning throughout the State and in making future grant decisions.

Similarly, the newly proposed LEAA advisory committee will help LEAA nationally, in clarifying its objectives in advance of administering discretionary funds.

Criticism of LEAA to the effect that despite 80,000 pilot projects, crime has been increasing is well taken to the extent that it highlights a lack of assessment on LEAA'S part. The "marketplace" assessment accomplished by a State's assuming or not assuming a pilot project after three or four years does not suffice. Effective pilots should be implemented widely, not piloted again. Ineffective pilots should be abandoned, locally and nationally.

We must all be more rigorous in defining our criminal justice goals, evaluating whether we are achieving them and pruning our failures. The national LEAA administrators must be particularly rigorous if they are to exercise leadership with regard to crises of national dimension.

The States are doing their best to determine what works in fighting crime, and why; but better communication from LEAA would greatly aid this effort. LEAA is in the best position to coordinate and analyze evaluation efforts and communicate their feelings to the States. LEAA should expand and intensify its exemplary projects program, involving in-depth analysis of particular State programs and circulation of resulting information. Similarly, LEAA should increase sharing of information concerning evaluation methodologies.

At the same time, greater efforts must be undertaken to focus on the true purposes of the act and to give clearer direction as to what is expected of the States in carrying out the purposes of the act.

Although the Governors strongly support the block grant concept and believe the States are in the best position to judge their own criminal justice needs, it is appropriate that the rationale for the program be stated clearly to give the States a clear idea of what Congress expects from this program. Such expectations can greatly influence the content and direction of State planning. For example, if crime reduction is the paramount aim, a State can develop a comprehensive plan specifically designed to meet that goal. On the other hand, if systematic reform and cooperation are preferred objectives, comprehensive plans can be developed to meet these objectives as well. Some confusion and lack of coordination has occurred in many cases because of this uncertainty and lack of clear purpose.

ADMINISTRATION OF LEAA

This committee might inquire whether LEAA's administrative structure is unwieldy. Those who deal with LEAA on a daily basis—and not just in my own State—can chronicle examples of indecision between the regional office and the Washington office on given issues, as well as examples of varying interpretations and directives emanating from the 10 regional offices. The staff of this committee should be able to propose streamlining so as to reduce the type of delay and indirection that frustrates all of us, at one time or another. In New Jersey, for example, we have experienced problems resulting from time lags in the processing of discretionary grant applications. These lags would appear to stem from imprecise lines of authority between LEAA's central and regional offices and inadequate sign-off authority at the regional level.

We have also had difficulties as the result of delays in guideline review and dissemination. Our State planning agency has been awarded grants on condition that it comply with guidelines not yet promulgated and has experienced delays of several months before receiving such guidelines.

CONCLUSION

In conclusion, I support HR 9236 substantially as drafted. I urge this committee to resist pressures to categorize further LEAA grants to States, or to take policy setting or grant making authority from the State level. I suggest an increased emphasis by LEAA and the State planning agencies upon comprehensive planning as opposed to individual grant decisions, and increased leadership by LEAA in identifying priorities and evaluating progress in meeting them.

TESTIMONY OF HON. BRENDAN BYRNE, GOVERNOR OF THE STATE OF NEW JERSEY

Governor BYRNE. I wonder if, besides marking my prepared testimony, Mr. Chairman, we could mark into evidence, if that is what you call it here, the resolution adopted last week by the National Governors' Conference, a resolution which supports the continuation of LEAA, and which indicates that the Governors' Conference renews its intention to work closely with State legislatures in developing comprehensive State plans and to consult appropriate State legislative committees, where feasible, to elicit suggestions and ideas concerning the content of comprehensive State plans.

Mr. CONYERS. Do you have that resolution?

Governor BYRNE. I have that. My staff has sufficient copies of it for this committee and, the way things go these days, in 5 minutes, could make sufficient copies for the whole Congress, I guess.

But I think that it is significant that the Governors' Conference, when they met, with all of the important issues and sometimes controversial issues they face were unanimous on this one—unanimous in endorsing the concept, and unanimous on both sides of the aisle, in endorsing the maximum flexibility to the States in the continuation of LEAA.

[The material referred to follows:]

COMMITTEE ON CRIME REDUCTION AND PUBLIC SAFETY

ADMINISTRATION AND IMPLEMENTATION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

The National Governors' Conference commends the Law Enforcement Assistance Administration for its extensive and helpful cooperation with the States in implementing the Omnibus Crime Control and Safe Streets Act of 1968 as amended by the Crime Control Act of 1973. Its actions in fostering the development of qualified staff at the state level, providing wide latitude to the States in developing plans for improving the entire criminal justice system, promoting a spirit of cooperation between the various criminal justice disciplines, and generally supporting the state partnership required in a block grant program set an outstanding example that could well be emulated by other federal departments.

Therefore, the Conference expressly reaffirms its confidence in the LEAA program and urges Congress to form a partnership with the Governors in working to strengthen the LEAA to assure effective intergovernmental action to deal with one of the nation's most serious domestic problems.

The Conference is concerned that proposed reductions in the budget for the programs of the LEAA may adversely affect the progress that has been made in improving law enforcement and reforming the criminal justice system. Thus, the Conference urges restoration of the reductions and appropriation of the full amount authorized by Congress in the Crime Control Act of 1973.

"The Conference further urges state planning agencies to give greater attention to the needs of the courts by providing for greater participation by representatives of the judiciary on state supervisory boards, and establishing, where feasible, a planning group representing the courts to prepare plans for and make recommendations on funding to the state planning agency.

"The Conference renews its intention to work closely with state legislatures in developing comprehensive state plans and to consult appropriate state legislative committees, where feasible, to elicit their suggestions and ideas concerning the content of comprehensive state plans.

"The Conference urges each State to immediately review its state planning agency supervisory board to determine whether certain components of a State's criminal justice system are underrepresented and to strive immediately to rectify any imbalance that may exist. Governors are urged to put particular emphasis on examining representation by local officials, representatives of the state judiciary system and the state legislature.

"The Conference urges State Planning Agencies to emphasize programs to aid population centers with high crime rates. The Conference renews its opposition to the creation of new categories and reaffirms its support for the presently prescribed comprehensive state planning process."

Governor BYRNE. The seat I sit in here today is unusual for me because I am down here basically endorsing an administration program.

Mr. CONYERS. That is very unusual.

Governor BYRNE. I have been down any number of times in the last several years, criticizing what the administration is planning or doing, or down here hoping to stop them from doing something or that you have achieved something despite the administration's opposition.

I think that the administration has a good idea, that LEAA is essential to the States, that the structure of LEAA ought to be one which leaves a maximum latitude to the States, that the State is the ideal agency at the local level with the maximum flexibility, and the maximum ability to recognize where the needs are, and how best to meet those needs, in law enforcement.

And so—although in my prepared statement, I do not say that things are perfect in LEAA, I do say that the structure in this bill, which gives the Attorney General of the United States a greater role in reviewing LEAA policies or sets up an advisory commission for LEAA which does propose a 5-year extension for LEAA, and which gives the States maximum latitude in making the judgments, is the better proposal.

I would like to talk for a minute about the 5-year extension concept because I know that there is some feeling in the Congress that 5 years is too long; and I would like to talk about that proposal, in light of what the State problems are.

In a State, and in the budget-making process of a State, if we think that an LEAA program is going to be good for a year, then we have got to come back and fight in Congress, or worry about whether there is going to be a second year for that grant, there is not a whole lot we can do.

The States do not have the ability to adjust to the sudden cutting off of a program by the Congress. We are in a great dilemma now with the revenue sharing and the uncertainty of revenue sharing; and in my budget I am absent the second half of funding for revenue sharing. In another Governor's budget, he is putting it in and hoping for the best.

And so there is a chaotic situation when you do not know from year to year, and especially when you are dealing with an out-of-phase fiscal year at the State level, what to do about the continuation of a program. And I think that law enforcement will be hurt by that area of uncertainty which causes different States to go in different directions; and some States to go in no direction at all.

The second, I think, issue which clearly confronts this committee and the Congress, is the issue as to how many people at the local level are going to have a say in the expenditure of law enforcement funds, and there I submit that the State overview is important.

The legislature in our State, and in most States, have a look-in on that overview. We have got, in most situations, a 10-percent match to provide from the legislature, and so the legislature sees the program and has an input in the program and has representation on all planning agencies in New Jersey. And that, I think, is typical of most States.

But law enforcement problems are at least statewide and to fragment law enforcement policy and to distribute the money on the local level means that there will be continued piecemeal political decisions to give a little to this locality and a little to that locality and make sure county A does not get a disproportionate amount over county B.

Well, crime does not work that way in States. Crime problems are unique. They are concentrated; it may be that in county A, for particular reasons, there is a need to pour more law enforcement assistance money into a particular program to get that county in shape to meet a law enforcement problem. And so, if we have con-

tinued jockeying among municipalities or among counties for its fair share, then we ought not to call it law enforcement assistance; we ought to call it revenue sharing for general purposes or something else.

Mr. CONYERS. Is it not?

Governor BYRNE. Is it not just revenue sharing? I do not think so.

Mr. CONYERS. Is it not just revenue sharing now? The Federal service of funding Federal moneys to law enforcement agencies goes to several States.

Governor BYRNE. Yes, it is a revenue sharing. But it is revenue sharing for law enforcement purposes. And if you are going to distribute it equally, without regard to what the law enforcement problem is in a particular State, then it really ought not go through the Congress under the guise of a law enforcement program. It ought to go as an addition to a revenue sharing program, because law enforcement problems are not equally distributed throughout the governmental subdivisions of a State or even a county. You and I know that.

I was a prosecutor in the county in New Jersey which had the greatest law enforcement problems; and there was no way really of dealing with our law enforcement problems by saying that you have a certain percentage of the population of the area of the State and, therefore, you have got a certain percentage of the law enforcement problems.

We had one-third of the trials; we had almost half of the homicides; we had 100 percent of the riots. And so we had law enforcement concentration on problems, and we had things that had to be and should have been and were done in Newark; and a lot of them were done because the LEAA helped us.

We were able to do things in organized crime, in targeting high incidence crime areas in Newark.

And so, I think that if we said that that money that comes into New Jersey has got to be distributed without regard to the problems, with regard to either political muscle or some other objective standard, we are defeating our purpose.

So I come to you today, representing the selfish interest, if you will, of one Governor, but arguing that the selfish interest of a Governor is a lot less selfish than the individual interests of county commissioners. And, incidentally, county government in New Jersey is completely different from county government in other States; and I do not know that county government could do justice at all in New Jersey to a specific LEAA grant.

I think that our selfish interest is a lot less parochial than that of other governmental agencies that are interested in a good law enforcement program.

If the Congress can work out a better way of doing it, I would be for it. I have, and I do not think any Governor has, an interest in having more money to spend at the State level or more power concentrated in a State house. We are having enough problems with the power we have now.

What we are interested in is good law enforcement; good law enforcement in our State; good law enforcement in the subdivisions of our State; because without good law enforcement, nothing else works in any State.

And so, I come supporting the administration program; I come supporting a latitude; I come supporting the concept of having the proper advice and input but avoiding the type of intricate regulations and intricate restrictions; and I ask you to remember, in designing and redesigning this legislation, that once the Congress puts a two-word restriction on a program, the bureaucrats can develop 10 volumes of administrative regulations to implement those two words.

I think, with the maximum of flexibility that Law Enforcement Assistance Act can work. It can work to attack the crime problem and it can work if we know where we are going and we know where we are going for a sufficient number of years.

With that, Mr. Conyers, I submit my statement.

Mr. CONYERS. Governor Byrne, I, first of all, would like to express my appreciation for your coming here.

I think it is important that this subcommittee get an opportunity, as frequently as it can, to discuss this subject, and the broader one that is involved in LEAA reauthorization.

The broader one of course, what in the devil is going on in terms of law enforcement in the United States?

We come here under the backdrop of increasing crime costs, increasing personnel, people wanting more money, increasing programs, increasing grants, and nothing is working. So it would seem to me that we should take the advantage of your visit before this subcommittee to examine what we are doing.

I mean, quite frankly, if there were no LEAA, what difference would it make in terms of the crime picture in this country?

Governor BYRNE. Well, I do not know that a law enforcement structure, no matter what it is, and no matter how well designed or how well thought out, I do not know that a law enforcement structure is the way to attack and solve the crime problem in the United States.

You can hear from 100 prosecutors, and you may, and I look forward to visiting with them at their meeting in New Orleans next week. You can talk to 100 of them; and I do not think any of them will pretend that, no matter how good their effort in law enforcement is, a prosecutor is going to solve the crime problem.

We are going to handle it better. It is going to give people a greater confidence that we are able to root out and detect and punish and isolate, maybe, the offender. But the problem of reducing crime in America, I think, is a problem which goes deeper than the LEAA program. It goes to an unemployment rate; it goes into making available opportunity for the youth of our country. It goes to recognizing that the critical problem in the United States now is the juvenile offender, the young offender, how better to deal with that.

And so, improving a police force or improving the hardware available to a police force is not going to solve the underlying problem; and if the only justification for extending LEAA is the hope that it will wipe out crime, I think that the Congress would be misdirected in looking to that solution.

On the other hand, to say that because the crime rate has not gone down, that LEAA has served no function, I think, is to misread the problem from the other side.

LEAA has, and I can speak from the experience of one State, allowed us to attack a problem. The organized crime situation in

New Jersey is very different today from what it was when Bill Hughes and I were prosecutors. It was organized in a different fashion. Organized crime has been substantially weakened in New Jersey, in other words, the organization.

We may have a substantial narcotics problem but we have got a different narcotics problem, and, I think, an improved narcotics problem in a lot of ways. And that attack was helped by LEAA funds.

I saw, when I was a judge more than when I was a prosecutor, the effect of our use of LEAA funds to get into the high crime areas of Newark, and to use computers to figure out what the best deployment of a police force in a high crime area was. And I think it worked.

Mr. CONYERS. Well, it did not work in terms of the crime rate. What do you mean, it worked?

Governor BYRNE. It worked in Newark by making more arrests at critical times, giving the people a greater sense of safety in some of the high crime areas in Newark.

Now, I have seen the statistics, that say, that, if you are concerned with muggers and you concentrate with LEAA money on muggers, you reduce the number of muggings, but the number of rapes increases. I am not so sure what we do with statistics on crime.

I think maybe that when we show an effective effort in a high crime area that you also get a greater willingness of the people to report crime to the police. And there is a great sense of frustration out on the street, and there is a growing unwillingness to report crimes to the police; they figure they are not going to do anything about it anyway.

And so if there is evidence that something is working in a particular area, that the police are able to solve muggings, I think then you get a greater willingness to report mugging, to report other crimes where people think perhaps by reporting that crime, the police are going to do something about it.

Mr. CONYERS. Governor, that is not happening. If Newark is the safest place in New Jersey, then no one should leave there to come to Detroit.

Frankly, we have a horrible situation. A $129 million later in New Jersey, Newark is just as crime ridden as it was the day the first Federal dime went into that city. It is not your fault. I do not think it is mine, either.

But I think we both share an obligation to begin to look at whether LEAA is just a relief plan for police agencies across the United States; or do we have some obligation to accomplish something. The reason I am asking you, I am sorry to say, is that the Federal Government does not have many answers. LEAA itself does not have many answers. The Justice Department does not have many answers; and neither does the Congress.

But it would seem to me it is critical that we examine the reality of the situation. Crime is increasing, the fear of crime certainly is not diminishing; and we are sitting around here today talking about extending the number of years and keep rolling merrily along.

Well, I do not buy that. And I do not think this subcommittee does either.

Governor BYRNE. Well, I am less inclined to believe statistics as to what is going on in Newark than I am inclined to ride through the

streets of Newark with police officers who have to deal with the problem every day; and I think that I get a more realistic appraisal of what is going on in Newark by asking to be driven around wherever I am going in Newark in a police car. And I talk with police officers while I am being taken to where I am going. And I talk about crime in Newark.

And I ask them what the situation is and what the problems are; and what the improvements could be and where we have been able to help.

Speaking of Detroit, and I do not know as much about Detroit as I used to know. We had our riots at the same time, and I got to know a lot about Detroit because Bill Kehanan and I would go around the country, testifying, after those riots; but in Newark, I think, the situation has improved. I think that law enforcement is a little better in Newark. I think that the police officers and the prosecutors are in a better position to more intelligently handle a crime situation in Newark today.

Now, I do not expect that the action of this Congress, or anything else, is going to result in miracles. We are dealing now with youth in this country, which is the baby boom, and you have got to recognize that the crime rate today comes out of the young people, 14 to 16 years of age. When you are 25, you are an old man in this business. So that we are dealing with a boom.

We are dealing with efforts to meet that crime boom, if you will, and I think we are meeting it with a better informed, better equipped, more coordinated police force in the United States today than we had when I started in law enforcement, almost 20 years ago.

Mr. CONYERS. I recognize, and yield the floor to the gentleman from California, Mr. Danielson.

Mr. DANIELSON. Thank you, Mr. Chairman.

I will not replow this ground.

The basic purpose of the LEAA law, as I understand it, is to fund and encourage States to participate in funding plans and programs calculated to reduce and control crime. So far as I have been able to see, the greatest impact of LEAA funds has not necessarily been in plans and programs which have reduced the control of crime, but probably to provide more hardware for law enforcement agencies, and perhaps to increase the compensation of law enforcement people to some extent; I know there is a limit there—but to some extent.

Can you tell me of any plans which have within your experience, had a material impact on reducing or controlling crime?

Governor BYRNE. Yes, I think I pointed out I have this experience. I served several years as a judge, after I finished as a prosecutor. And I have pointed out that, in Newark, we used LEAA money to identify high-crime areas and to identify hours when the crime incidence was highest.

Mr. DANIELSON. That enables you to make a little more intelligent deployment of your troops. Is that correct?

Governor BYRNE. That is correct. And I think that also gave, as I tried to point out, I think that also gave the public a greater sense of confidence that the police department was being effectively deployed and they were doing something.

Mr. DANIELSON. Do you have any other plan that has helped to reduce or control crime?

Governor BYRNE. Well, again, in the organized crime field, we have used LEAA money in New Jersey to attack organized crime and strike forces and that has worked. I think organized crime is on the run.

Mr. DANIELSON. Would you explain that a little to me? You say, we have strike forces; you mean you have employed more people; or what?

Governor BYRNE. More people in attacking organized crime is not going to do it by itself, because, in attacking organized crime, you have got to do it by having people, by having training, by having intermunicipal agreements, by being able to pull people from various areas into an effective strike force.

And so, for instance, in the area of narcotics control in organized crime, and narcotics is an organized crime enterprise in New Jersey, and, I believe, in virtually any State in which it exists—we were able to pull together a working team, a strike force, not just dealing with each complaint as it came in, but rather a well trained, well put together, organized force that attacked the narcotics and other areas of organized crime problems.

Mr. DANIELSON. Would that not have been possible without LEAA?

Governor BYRNE. Anything is possible, without LEAA.

Mr. DANIELSON. What I am getting at, Governor, I am not quibbling with you. And believe me, I am not blaming you for the crime problem. I have been involved in criminal law in one way or another myself, for a long time.

I am trying to find out whether we are doing any good here. We are doing good in the sense that we are providing funds which, although it might be 10 percent on anybody's salary, you fatten in the payroll potential, you might be able to assemble therefore a strike force of informed, capable people to go after organized crime.

But that is really just revenue sharing, is it not?

Governor BYRNE. No. Well, you can call it revenue sharing—and there are analogies you can draw to revenue sharing. But I think it achieves a different objective.

Now, you ask me very incisively whether we could have had an organized force without LEAA; and I do not think we could have. I tried it in several respects when I was a prosecutor. I tried drawing police officers from various units into an overall force; and what would happen is those officers would have to be pulled back to the various municipalities for certain commitments back there; so we could not hold them together.

Mr. DANIELSON. Let me ask you the central question on that then. Why could you not do it without LEAA?

Governor BYRNE. Because we did not have the kind of overall commitment that LEAA had made possible; and that funding is involved in that commitment. But I think it is also important for a prosecutor pulling together, an attorney general pulling together that kind of a strike force, to say, hey, the Congress has passed a bill, an LEAA bill, that says that we are going to use this LEAA money, and we have passed it through a State planning agency to make this kind of an organized attack on a particular crime problem.

When we have got that kind of commitment that starts in Washington, D.C., and come through the State house and it is going to be met by local police officers, and so everybody in the country thinks it is im-

portant that we make this kind of an effort. And I think that has a monetary value, because we have got the wherewithal to do it; I think it has a psychological commitment because everybody is told that this is something that is important, that it has an objective which has been defined and evaluated at several levels; and I think it works.

Mr. DANIELSON. In other words—I do not wish to change your words—I want to be sure I am understanding them—what you are telling me is that this has generated a greater public support for your effort. Is that correct?

Governor BYRNE. I think it has, especially in an informed community.

Mr. DANIELSON. And you attribute that to the fact that it is part of a coordinated effort under LEAA, in which everybody in the country is getting behind you.

Governor BYRNE. I think so.

Mr. DANIELSON. Well, that is at least something I am pleased to hear.

I have got two more little points; and then I am going to get off of this.

I want to know your comments, your suggestions, on what role the Federal Government can play in improving our law enforcement posture. I am going to even help you shorten that, because I have got two things in mind.

We have operated, for many years, the National Police Academy, the National Academy, whatever you want to call it. I know that it is suffering budgetary problems at the present time. We are caught between those who seem to be allergic to the fact that you have to have police, you know—those who are against this professional corps of police, on the one hand, and those who want to have some professional police on the other.

But being a policeman has never been the most popular occupation; and it is today less popular than it was before. There is opposition to the National Academy. Do you think that the National Academy has been of any help to law enforcement?

Governor BYRNE. Yes; I think that the National Academy and any organized effort to properly train police personnel is a great asset. For instance, the National District Attorney's Association has used LEAA money to establish a National College of District Attorneys, which has been tremendously successful.

Mr. DANIELSON. And how about a clearinghouse of information. Do you think that that is not of value? A clearinghouse of information for law enforcement?

Governor BYRNE. Yes. And, in further answer to a previous question—what have we done with LEAA money that we could not have done? Many years ago, in New Jersey, I advocated that all criminal appeals be centrally handled. It is a good idea. It gives us consistency of law enforcement policy. It gives us fewer reversals of cases in the appellate courts. It gives us more competent handling of the legal issues involved in criminal prosecutions.

I could never get it done. We could not get it done; and so we did it with LEAA money.

Mr. DANIELSON. But there, you are getting back to money, which, to me, is——

Governor BYRNE. That is right. We had everything else before we had the LEAA money. We had the idea. We had the commitment. We had the understanding that it would work; and the only reason it did not work is that we could not get it started.

Now we are doing that, with our own money. But we—I do not think we would be in that position today, without the LEAA giving us the ability to jump over that one hurdle.

I have never been able to testify before the House Judiciary Committee in the presence of the chairman of that committee.

And I have to interrupt to say how honored I am.

Mr. DANIELSON. Well, we would be a lot poorer for that reason. We are all grateful for LEAA, and I am intimidated to yielding back whatever time I may have.

Mr. CONYERS. I would like, at this point, to recognize the chairman of the full committee, who, incidentally, was the chairman of the subcommittee in 1973 that handled this legislation, and it is out of that concern and your presence that he is here today.

TESTIMONY OF HON. PETER W. RODINO, JR., A REPRESENTATIVE IN CONGRESS FROM THE 10TH CONGRESSIONAL DISTRICT OF THE STATE OF NEW JERSEY

Chairman RODINO. Thank you very much, Mr. Chairman.

First of all, I want to apologize for my inability to be here to welcome the Governor, personally. Unfortunately, I did have a conflict in my own scheduling and I did ask the chairman of the subcommittee to welcome you, and I know that he did, on my behalf.

First of all, I am delighted that my good friend of many years, and the Governor of the great State of New Jersey, has shown his concern and interest in this very vital problem by coming here himself to testify.

I know that the Governor has had a wealth of experience in law enforcement and criminal justice, having served as a prosecutor for many years, and then as a judge. And I know that he has shown a deep sensitivity to the problem of law enforcement, not just for purposes of strictly enforcing laws but understanding what the system of criminal justice is all about.

Whatever problems there may have been in the State of New Jersey with LEAA, whatever expectations might not have been realized, I know that this committee is aware of the fact that the Governor who is presently before us assumed office in 1974, and therefore his term with LEAA has been short lived. But I know that, in our various contacts with the Governor, he has shown a considerable interest.

And, Governor, I do know that this committee is deeply anxious to get whatever hard facts there are, because its high expectations, which were so dramatized and so promising that this was going to be a means of reducing crime effectively. Unfortunately that has not been the case. I, as chairman of this subcommittee, when I assumed that responsibility, directed the focus more in the area of criminal justice.

Unfortunately in 1973 we did not prevail in many of the legislative guidelines that we sought to write. It is helpful that you are here now, as many others will be. As Governor of a great State which has seen the expenditure of a good deal of money, some $129 million over a period of time since LEAA has come into being, and an increase in

crime, your testimony is going to be valuable and, your interest and your personal initiative in coming here is something that I deeply appreciate.

I am not going to ask you any questions, because I think I will leave that to the committee.

Governor BYRNE. Well the committee has worked me over pretty good, Mr. Chairman.

Chairman RODINO. You would expect that from a committee that is charged with this responsibility, especially in view of the fact that this was a program that is so dramatized as to its expectations. I feel that it has great validity, and despite some of its shortcomings, I hope that we may be able to lead it in the direction where it will do the most good. We are going to expend funds which are going to be utilized to bring about an understanding of what crime is all about; and then produce some good results in the reduction of crime.

I know that we will, undoubtedly, never be rid of it. But certainly we can help to try to reduce it and understand the reasons for its existence.

Governor BYRNE. Well, one thing I have asked your subcommittee for, Mr. Chairman, is the maximum latitude in the States, as to the distribution or use of LEAA money.

Now, I recall that, when Bill Hughes was prosecutor down in Cape May County, he could handle all of the law enforcement problems down there by himself. He was a terror, as a prosecutor. I do not know whether you remember those days. But Cape May is an ideal county in which to live in New Jersey, from the law enforcement standpoint. In Newark, we have a little more complicated problem.

Chairman RODINO. Well, I appreciate that, Governor.

I know that you have expressed that to me personally. And I hope that we can consider that.

We recognize that there are some Governors who are sensitive to the problem and know what to do and would like to be able to handle their States' best interest.

Unfortunately that has not always been the case.

Thank you very much.

Governor BYRNE. Thank you.

Mr. CONYERS. Mr. Hughes, of New Jersey.

Mr. HUGHES. Thank you, Mr. Chairman.

And, Governor, I want to join with my colleagues in welcoming you to Washington. I want to apologize also. Monday morning is an awfully difficult time to try to get into Washington and the District. So I want to apologize also for not being here to greet you.

I thank you for those very kind words.

I want to say that I have read your statement. And I want to commend you for it.

You were a distinguished prosecutor in the years that I served in the prosecutor's office, and went on to distinguish yourself on the bench. I believe you add a great deal of weight to the arguments for maintaining the LEAA program in some form.

I think I have indicated to you that I disagree with some of my colleagues who believe that we should scrap the program entirely.

I do not think that you can look at the statistics in Newark or anywhere else and say, because crime continues to increase, the program has not functioned properly. I think we tend to overstate the case; and

I am concerned about the gun bill that is presently before the full Judiciary Committee, for the same reason.

It has a lot of provisions in it that I think are overstated often. They may help to combat the crime problem, but they are not targeted and can, in no way, in my judgment, eliminate crime.

Unfortunately crime is going to continue to be a problem in the years ahead.

Another reason why, in the gun control legislation, I favor a kind of weapon accountability program that would lend itself to the State, and have the State develop its own program, is that I do believe that the problems differ from State to State, just as they differ from north to south in New Jersey; you have different problems in Newark than we have in Cape May.

And I have seen LEAA do great things. I think it has helped to bring some degree of professionalism to police departments. I think it has aided us in trying to professionalize law enforcement personnel; that in itself, I think, is a worthy basis for support.

For the same reason, I think the National FBI Academy has done the same thing. I think it is unfortunate that our police officers are often given a weapon and told to go to it, without adequate police training. As you know, we only have Sea Girt in New Jersey and the National Academy. Unfortunately, very few police officers are able to go to the National Academy.

And yet, if we really are to keep pace with our needs, we have to professionalize and better educate our police officers.

I have seen LEAA do great things in my area. I have also seen funds wasted. But I think you have that in any program, and it's our job to tighten the program to minimize waste and maximize effectiveness.

Perhaps the biggest fault lies in the fact that perhaps we have not done the kind of oversight that is needed. Perhaps we have not spelled out the standards on exactly what we want to target in on.

Governor BYRNE. I heard an interesting conversation the other day, after the television show on the Hauptman case which was probably our most famous New Jersey criminal case.

The discussion was, well Hauptman could not be convicted if he were tried today. And the fact of that is somebody else pointed out today the rules of court are different and that maybe some of the evidence could not get in.

On the other hand, we are training prosecutors better today than we did in the thirties, although there will never be another Dave Willette, I think, in the courtroom. But somebody else pointed out that today Hauptman would have been caught in a week, not a year, that law enforcement techniques are sophisticated today and superior, and communication is better, and the ability to track down and solve a case are so much better today.

Now, I do not know that any of that has any validity; but I do think that it causes us to think about the fact that we may not have solved the crime problem, but we have improved law enforcement techniques over the years. And it has got some momentum as a result of the LEAA willingness to come in and fund some imaginative projects, some hairbrained ones, and some imaginative ones.

Mr. HUGHES. You have mentioned one area which I think points out where LEAA has been of invaluable assistance—and that is in the area of combating organized crime.

Another area that always disturbed me, as a prosecutor, was in the area of trying to provide the expertise to get into an in-depth investigation on, say, a narcotics case. Unfortunately, our police officers do not have that kind of expertise. They are often known, particularly in the small communities, and we never had a reservoir of investigations upon which we could call on to develop the leads that reach the people that really traffic in hard drugs.

We often nip the people at the street level; and they are not the ones ordinarily that present the great problems, the people that really profit from that type of activity.

Mr. CONYERS. Will the gentleman yield?

You mean the Mafia is not operating effectively in New Jersey any more?

Governor BYRNE. When I was a prosecutor, Mr. Conyers, any law enforcement official could identify the superstructure of organized crime. Today, almost nobody can; and they probably do not have the kind of superstructure that we were accustomed to. We have eaten into it.

Mr. HUGHES. Let me just say to my colleague, now, I did not suggest that at all.

I am not saying we do not have organized crime in New Jersey. Frankly, what I have said, in essence, is that we have made a big dent, particularly in the last 5 or 6 years; and a lot of that was made possible through LEAA.

I think one of the areas where we have got to direct our efforts in the years ahead is trying to redirect our resources. We have limited manpower; and we commit a lot of resources to often victimless crimes; and a lot of other things less important. And it seems to me that we have to get started redirecting those resources so that we are getting at the problems that really concern us; in particular, crimes of violence. And you do not do that without some organized effort; and I think LEAA has provided that kind of funding.

Communications systems in my area has been extremely important. Our State police patrol, for instance, many areas of my home county because the counties, the townships, have not developed rapidly enough that they can afford to provide their own police departments.

We have limited access to hospitals in some of the counties and, unfortunately, in the summertime congestion along the seashore is a real problem. In the past we have not always had good communication systems.

I do not think that, given the present State fiscal problems, that we have the resources in New Jersey to lick some of those problems without Federal help.

Now, I am not trying to say that LEAA is a cure-all. As you try to carve up the pie of limited resources, you have to try also to address the root causes of crime as well—problems in the community such as: The lack of opportunity for young men and women; idleness and lack of hope. We can't neglect programs that try to put people back to work so that they have a meaningful life.

But the other side of the coin is that you are going to still have people that think they are smarter than the next guy; who are going to violate the law. And if you are going to try to keep pace with that, you are going to have to provide police officers with the kind of tools

that they need to address the problem. And that is where LEAA comes in.

Well, I have taken more time than I intended to, Mr. Chairman.

I am not satisfied that the LEAA program in its present form is the total answer. I am anxious to hear the testimony. I can only tell you, from my own personal experience, I have to agree with our Governor for the need for some type of LEAA program.

It has assisted us. It is not the cure-all; but it has helped.

Governor BYRNE. It may be that the attack on the high figures in organized crime does not solve the problem. Maybe disorganized crime is just as effective as organized crime. As one of the leading figures in crime in New Jersey, name of Moriarity, who is dying at this time, it does not mean that there is no organized crime where he left. But I think we have made an attack on it and if that attack is only partially successful, we will do something else.

Mr. HUGHES. I might indicate one additional thing before I close.

We have a range for police officers in Cape May County, that I think came about because resources were made available prior to the time the arrangements were created, a resource to give police officers and temporary patrolmen—as our population swelled from 10,000 to 200,000 in the summertime, we take on a lot of college students and others who would just be on for 3 months, and we would give them a weapon and tell them, go to it. Well, that is asinine. And obviously, they need some kind of training and we developed a range and we are very proud of the range that we have now in Cape May County, and we would not have had the kind of resources that were necessary to develop that if we had not had LEAA funds.

Thank you, Mr. Chairman.

Thank you, Governor.

Mr. CONYERS. The ranking minority member from Illinois, Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman.

Although not from the State of New Jersey, I am sure that Governor Dan Walker of Illinois would want me to join in welcoming you here this morning, Governor, and I appreciate your very helpful statement.

We had testimony at our last hearing on Friday on behalf of a representative of the State legislators who indicated that there should be a right on the part of the State legislature to sort of veto and revise and amend and participate in the—what I regard as the executive department function which, you and the State planning agencies exercise with regard to the State plans for—pursuant to the LEAA authority in the area of law enforcement and criminal justice. I am in the area of law enforcement, criminal justice. I am glad to see your statement on page 9, which indicates that while the legislative branch should certainly be aware of, and take part in, the entire law enforcement, criminal justice process, that you are hopeful, and I am hopeful, too, that we do not amend the law so that we have them participating jointly with you and the other Governors of the 49 other States, and trying to complicate this business of State plans.

There is a great tendency these days for legislative bodies to try to take over executive department functions. And while I subscribe wholeheartedly to an adequate oversight function, I think we have to

respect our prerogatives of executing the laws on the one hand, as you do in your office, and legislating those we are charged with doing in our office.

A subject that also occurs to me, that is brought up in your statement, is with regard to evaluating the various projects that are carried out through LEAA support. And a related subject was brought up with regard to training of law enforcement and criminal justice personnel.

It seems to me that in both these areas, we have an agency or an adjunct of the Law Enforcement Assistance Administration of which we should take better account and we should utilize to a greater extent; and that is the National Institute of Law Enforcement and Criminal Justice, which is, in fact, the research and training arm of the Federal Government, for purposes of assisting local and State agencies.

Would you not agree that this business of evaluating, for instance, the efficacy of LEAA projects and research projects, pragmatic programs, and other experiences that are carried on, could be done by a Federal agency which then could document and disseminate more adequately than we do at the present time the various programs that the States and the subordinate agencies of the States carry on with LEAA funds?

Governor BYRNE. Yes; but I think it is even more important that we recognize a project which I am participating in also, and that is the establishment of standards—criminal justice standards and goals. You are a lot better in deciding what to do with law enforcement money, no matter where it comes from, if you have got some standards and goals that have been established and evaluated, and the States are doing a good job at getting a maximum input into what their standards ought to be.

And I think if States did adopt criminal justice standards and goals in various fields, and then made judgments as to what to do with the LEAA money, as well as their own criminal justice money, in view of carrying out those standards and goals, we wouldn't have to look back so often and take such hard looks and be open to such criticism as to commitments we have made which, looking back, did not make very much sense.

Mr. MCCLORY. And then, after pursuing the standards and goals, then supplementing that with an analysis of the——

Governor BYRNE. Then you make your evaluation, certainly.

Mr. MCCLORY. And then disseminating that around through the various States so that we can make the maximum use of those successful projects which—and which would be applicable to the particular area where improvements are sought.

Governor BYRNE. I would hope so.

Mr. MCCLORY. Well, I appreciate your testimony. It has been very helpful. And I agree in essence with what you have communicated to the committee here today.

Mr. CONYERS. Governor, before leaving, we would like to refer you to some testimony of several prior witnesses. First were the staff members of the General Accounting Office who raised the question of whether after 8 years and $4 billion later, we are any closer to knowing what causes crime and how to effectively reduce it.

Second, there was another witness that has questioned the validity of the SPA's for having the capacity to act as an effective conduit for Federal funding, suggesting that they have become responsive neither to the State nor the Federal Government; but creating redtape on their own.

I would like to continue this discussion, if not in person, certainly in an exchange of communications.

I am reminded that in response to an earlier question, you pointed out that LEAA could not be the sole method of combating crime in this country. And I think you are quite correct. You went on to point out, that there are larger causes in our society that have to be taken into account.

The reason I may raise this now is that I am wondering how many other people in LEAA recognize that and what I am afraid of is that the answer is very few. And if that is true, then I think that that may be one of the larger reasons why it isn't working. And I ask you to join me in continuing a search for some real answers.

Thank you very much.

Mr. DANIELSON. Mr. Chairman, may I have a moment or two?

Mr. CONYERS. Yes.

Mr. DANIELSON. Thank you, Mr. Chairman.

You mentioned, Governor, in your testimony, that because of LEAA—and I think it's really because of the funding aspects rather than anything unique to LEAA—you were able to put together a system of having criminal appeals handled by one group of attorneys, as I assume that was what you had in mind.

Governor BYRNE. At the State level.

Mr. DANIELSON. Right.

I do not think that is terribly unique. It might be new to New Jersey, but in California, the State attorney general has handled all appellate work in the State—violations of the State criminal code—in the State courts, for quite a long time.

I am not going to say it is bad; maybe it is very good. But it is a fact, and I have noticed one thing, and knowing quite a few attorneys there, a lot of people in the district attorney's office felt that they could probably handle an appeal better than the attorney general's office, inasmuch as they tried the case and obviously were more intimately familiar with the fact and the law and the various alleged errors involved.

I am sure that our attorney general does cooperate with and enjoy the cooperation of the district attorney in his appeals—that there are two sides to that coin, which is the only point I am really trying to make.

Governor BYRNE. Ev may have taken one side of the issue when he was a district attorney in Los Angeles and another side of the issue now that he is attorney general.

Mr. DANIELSON. Well, it is not—normally it is not the attorney general or the district attorney. It is the troops in the field that do the work, speak most freely, along this line, rather than the commanding officer.

Governor BYRNE. Let me just put the example in perspective.

Mr. DANIELSON. I have not asked Ev whether he does or not, but it is an interesting question.

Governor BYRNE. Let me just make this observation. Whether it is good for California or not is not the critical point of my argument. My argument is we thought it would be good for New Jersey. And we could not get it done in New Jersey.

Mr. DANIELSON. And I do not question your judgment on that, Governor. As a matter of fact, this reinforces the position of our chairman, that what is good in one part of a State or one part of the country may not be good in another part of the same State or in another part of the country. There has to be some regional and local direction because the circumstances existing in different areas are different and you simply have to account for them.

But that—as a point—do you know whether any other States after you adopted this as a uniform appellate procedure—do you know whether any other States have duplicated that pattern in their own appellate work?

Governor BYRNE. Not offhand, I do not.

Mr. DANIELSON. My last little comment is: I think that the problem of crime, which is very complex, involves all kinds of factors. But I think one serious one today is there does not seem to be much public support for vigorous law enforcement. People are concerned about crime and they complain about crime a great deal. But they seem to have an unlimited tolerance for crime. And I do not believe that the public support of law enforcement is what it will have to be if we are going to effectively reduce crime.

There seems to be too much of a willingness to accept crime as being one of the facts of life, one of the warts on the potato, you know. It is there, so what can you do about it? And let us not be beastly to people involved in breaking our criminal laws. I am fearful that there is some truth in Attorney General Levi's statement to the effect that we are going to have crime as long as people are going to put up with it. I am fearful that there is a lot of truth in that.

I thank you. There is no personal criticism in any of my comments. You have a tough job and I wish you well.

Governor BYRNE. Thank you, Mr. Danielson.

Mr. CONYERS. Governor, there are a number of examples that have come to the attention of this committee. There is an atmosphere among law enforcement officials generally, including LEAA officials, that shows that they are not concerned sufficiently about involving citizens in crime.

I will ask you how can citizens show their concern about crime if the law enforcement agencies are so busy professionalizing and becoming so complex. Local fundings through LEAA to citizens has become minimal to the point of embarrassment. What is the citizen to do? Grab his nearest .45 and hit the streets in his own neighborhood? How on Earth can he show any support for police who are trying to combat the crime problem when the law enforcement structures and the very Federal apparatus that should be encouraging and facilitating this cooperation are in fact discouraging it.

Governor BYRNE. Well, I do not think that the fact that—I may not understand your question—but I do not think that the fact that the police are becoming more professional is estranging the police from the community. And one of the most inspiring things I do as a Governor is to visit projects which local police have with the youth

of the State. We have one in Sea Girt and you have for a week busloads of people coming from various parts of the State and for a week they are tutored by police officers.

So if you are talking about programs to give a greater camaraderie, if you will, between police and community, I think that my police people in New Jersey can give you 100 examples of how to do it and how to do it better.

Mr. CONYERS. I will ask anybody on your staff here to tell me how many community groups in the State—not during your administration—have ever been funded? And then I would like to ask them how many have tried to get funding.

Governor BYRNE. From LEAA?

Mr. CONYERS. Yes, sir.

Governor BYRNE. Well, I think it is a lot easier—I live in West Orange. We have a PBA baseball league for kids funded by a cooperative agreement with the police officers and citizens. Now I think if LEAA came in and funded the little league that the PBA is running in West Orange, it would not have half the effectiveness that it has now, because that is something that the citizens want to get into, get to some understanding of where the problem is, work with the police officers and there is a tremendous spirit involved in that.

Mr. CONYERS. We are not trying to knock anybody's funding of little league baseball teams.

Now here is what I am talking about. The people in a certain neighborhood perceive a particular thing that could be done to help fight crime. Example: a walkie-talkie radio in the neighborhood community association, It would cost a few hundred dollars. Maybe they could do it once, but they could not continue the operation.

There are provisions under LEAA law for grants to be made on that kind of basis. Do you know what the redtape is and what a community group is up against in trying to fight through the redtape, to join the local police precinct to help reduce crime when there are people there in the communities that want to do it? It is incredible. They need a staff of lawyers. They need to open up a Washington lobby operation. They have got to contact every Congressman in their State. They have got to hit the coordinating operation in the city and the county. And then, maybe they can get a grant through an infinite number of channels.

Governor BYRNE. I am not going to sit here and defend redtape. I am here to say do not add any more redtape, if you extend LEAA.

Mr. CONYERS. The point that I am working on is that somehow between your offices and ours, we have to facilitate the community coming into the law enforcement problem. We have to assist those neighborhoods and those individuals that want to help reduce crime, that want to show Mr. Danielson that they are not apathetic or indifferent to it. But for God's sakes, what are they supposed to do? Grab their guns and hit the streets? How does a citizen in my State and yours demonstrate that they want to support the law enforcement authority? That seems to me a very valid question that has to be investigated in these hearings. And I hope you will give it your attention and stay in touch with us on that.

Governor BYRNE. Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much, Governor.

Our next witness is the director of the National Association of State Criminal Justice Planning Administrators, Mr. Richard Harris.

He is a director of the Virginia division of Justice and Crime Prevention, executive director of the Virginia Council on Criminal Justice, currently is the chairman of the National Association of State Criminal Justice Planning Administrators, formerly an assistant attorney general of Virginia, and we welcome you here, Mr. Harris.

We note that you are accompanied by Mr. Richard Geltman and Miss Jane Roberts. We have your prepared testimony which will be incorporated without objection into the record at this point, and that will free you to join us in this discussion and you may be begin.

[The prepared statement of Richard N. Harris follows:]

STATEMENT OF RICHARD N. HARRIS, DIRECTOR, DIVISION OF JUSTICE AND CRIME PREVENTION, COMMONWEALTH OF VIRGINIA, AND CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. Chairman, and distinguished members of the committee, my name is Richard N. Harris. I am director of the Division of Justice and Crime Prevention of the Commonwealth of Virginia, and Chairman of the National Conference of State Criminal Justice Planning Administrators.

The National Conference and I very much appreciate your invitation to testify today at the hearings on the reauthorization of the Crime Control Act of 1973, and related matters.

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-five (55) *State* and territorial criminal justice *Planning Agencies* (SPAs) created by the States and territories to coordinate their programs to improve the administration of justice. Under the Crime Control Act, the SPAs are the governmental entity responsible for determining how best to allocate 85% of the Part C action grants and approximately 67% of the total appropriations made available to LEAA under the Act, a sum in Fiscal Year 1975 of almost $592 million.

In essence, the States through the SPAs are assigned the central role under the Crime Control Act. Now, having seven years of experience under the original Act and its extensions, we, the States, are delighted to share our experiences with you on the operation of the program to date, and those major recommendations we have for statutory changes in the reauthorization legislation. The National Conference's testimony will focus solely upon the major policy issues faced by your Committee. Our specific recommendations for change are contained in my written testimony before the Senate Subcommittee on Criminal Laws and Procedures which, with your permission, I submit to you and request be made part of the record. I also submit for the record and your consideration a copy of an address I made to the Mid-Winter Meeting of the National Conference which documents the major State programmatic thrusts made possible through this Act.

The National Conference fully supports reauthorization of the Crime Control Act, and in substantially its current form. The States believe the program is fundamentally sound. Testimony from a diverse number of witnesses given before the Senate Judiciary Subcommittee on Criminal Laws and Procedures supports this thesis. An independent long-term examination of the crime control program by the Advisory Commission on Intergovernmental Relations (ACIR) has also reached this same conclusion. Based on the success of the crime control program, the President has seen fit not only to support the renewal of this program but to recommend the establishment of four additional block grant programs.

The support for the program rests upon two fundamental premises: (a) crime is primarily a State and local problem best dealt with by the people and their local governmental representatives, and (b) that the federal government can best contribute to the resolution of this problem through assisting, but not mandating, the States to focus specific activities and resources on direct and indirect actions to impact on crime and improve justice. After seven years experience under this program, the States still believe these two premises are sound and that actions based on those premises will best enable the country in the long run to reduce crime and improve the administration of justice. To date no substantial questions

have been raised concerning the first premise. However, implicit in much of the criticism of the operation of the crime control program is a questioning of the second premise that the federal government should not direct but only assist and guide. It is ironic that many of the same critics calling for direct federal control have been and continue to be extremely captious not only of LEAA, but of the old federal crime control programs such as OLEA, the Children's Bureau and the Youth Development and Delinquency Prevention Administration that have exercised strong centralized direct control. The intuitive feeling of these critics has been that highly paid, well-qualified federal bureaucrats responsive to central control and supervision from Washington can design and administer solutions to crime problems found in the fifty-five State and territorial jurisdictions, despite all the local complexity, uniqueness and idiosyncracy, better than those fifty-five units of government can do themselves. Yet, each time the federal government has tried to accomplish this task it has failed. And to the extent that LEAA is trying to direct State activitiy with crime control money it controls, it is failing also. The National Conference believes the answer is for Congress to give LEAA the mandate to assist the States in their efforts rather than Congress telling LEAA to coerce the State to comply with federal directives. To date, LEAA has taken a neutral position and failed to either assist the States or mandate State compliance to federally imposed standards.

The National Conference believes that the block grant program can work even more successfully if LEAA will utilize its research, discretionary, training, education, evaluation and leadership roles to determine State needs as perceived by the States and develop a limited number of high impact, focussed and integrated programs to assist States in their efforts. LEAA's main efforts to date have been to mandate, by way of guidelines, Congressional interests, and passively to react to a diverse number of unrelated pressures.

It is the National Conference's contention that the least effective way for Congress to induce change and improve crime control efforts is to mandate it. The most effective method for Congress to provide leadership would be to require LEAA to provide information, successful models and technical assistance in a coordinated manner—reflected in coordination among the disparate subunits of LEAA, and responsiveness to the States—so that the States, who can best plan for and allocate federal grant money to the locally defined problems, needs and priorities, can maximize the chances that federal money will yield success and the costs for the programs will be assumed by State and local government. A crucial role for Congress in this regard is frequent oversight to ensure that LEAA is serving and responding to States and their priorities. Without this oversight, the natural tendency is for the federal bureaucracy to operate independently, perceiving itself as the source of all wisdom and justification for the program.

The National Conference believes that the maior thrust of the program should continue to be innovation, demonstration and implementation of improved approaches, systems, equipment and devices. The States need new techniques, but they cannot usually develop them with their own money. It should not matter to Congress whether funded improvements are unique or are only new to the State, local jurisdiction or agency so long as improvements are rendered. It is important to keep in mind the fact that the program goals are crime reduction and enhancement of justice; innovation is only a means to those ends. However, even though only a means, a survey by ACIR indicates that approximately 59.3% of Crime Control Act funded projects have been innovative, either from a national or State perspective.

The Crime Control Act program should be reauthorized for five years. The National Conference believes the continuity of the program is critical. The States have been faced with the original enactment of the Omnibus Crime Control and Safe Streets Act in 1968, amendments in 1970, 1973 and again this year. Put into conjunction with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, and the changing federal leadership of the program, the States have never had a stable program, substantively and administratively, within which to operate. Independent of legislative change, LEAA has, itself, constantly changed the ground rules of the State operated program by promulgating a multitude of external directives, at last count forty, many of which change on a yearly basis for no apparent reason, other than someone in LEAA has a "better idea". Each time the States have completed changes required by new legislation, regulations or guidelines, a new series of changes have been initiated.

The situation has not been very different on the appropriations front. LEAA's appropriations have fluctuated so rapidly and to such a degree, it has been difficult

for the States and localities to undertake long-term planning when these jurisdictions cannot be assured of the amount of resources that will be available to them even in the succeeding fiscal year. LEAA's appropriations for the FY years 1969–1976 follow: FY 1969, $63,000,000; FY 1970, $268,119,000; FY 1971, $529,000,000; FY 1972, $698,919,000; FY 1973, $855,597,000; FY 1974, $870,675,000; FY 1975, $895,000,000; and FY 1976, $809,638,000 (12 months). Even now, the LEAA FY 1976 budget is not settled because the Administration has a pending deferral request of $15 million of FY 1976 appropriations.

The National Conference has reached the conclusion that Congress must give the States and localities a firm and stable program for a minimum of five years with estimated yearly appropriations figures that can be relied upon for long-term planning. Without this long-term commitment by Congress, the States will continue to find many local jurisdictions and criminal justice agencies unwilling to undertake multi-year experimental and innovative programs, and unwilling to make the commitments to assume the costs of programs over time. Without commitment by the federal government to long-term stable LEAA funding, State and local government are unlikely to give a similar commitment.

Tradition and the Tenth Amendment to the Constitution have left the major responsibility for law enforcement and criminal justice to the States and their political subdivisions. The States, under our federal system, have developed their own unique laws and institutions to meet the needs, concerns, moral values and priorities of their citizenry. No two States are the same either in population or the way they have chosen to reduce crime and administer justice. Our system of government not only tolerates but protests this diversity. With the exception of the specific protections provided by the Federal Constitution, the States are permitted to develop their own appropriate means to achieve their individually stated goals.

Seven years operation under the LEAA program has shown that there is still a great deal we must learn before we can say we know how to reduce crime, that individual State experimentation is helping us learn what programs may be appropriate for which problems and jurisdictions, and that development of successful programs is contingent upon States and their political subunits choosing the right priorities, and programs and making the necessary political and resource commitments. The National Conference believes, as do ACIR and the President, the continuation of the block grant approach is warranted based on these findings. The States are constitutionally in the appropriate position to coordinate criminal justice programming and allocate scarce resources. The block grant approach provides States, that are closer to and have more knowledge of local problems than the federal government, with the flexibility to put resources where those local problems, needs and priorities are.

Unfortunately, some of the flexibility which was inherent in the original block grant proposal culminating in the Omnibus Crime Control and Safe Streets Act of 1968 has been lost and subjected to further calls for particularization. Without the elimination or rejection of categorizing language from the reauthorization of the Crime Control Act, the Crime Control Act will be a block grant in name only, and difficult to distinguish from other federal categorical grant-in-aid programs. The National Conference recommends that Congress strike from the Crime Control Act of 1973, Section 307, Sections 451 through 455 (known as Part E) and Section 520(b). It also recommends Congress reject calls for special funding for courts (H.R. 8967), urban high crime areas (Section 4(3) of H.R. 9236), or court congestion (H.R. 11251).

The National Conference believes that a system of statewide comprehensive planning is compromised and distorted when the programs and priorities generated by such a planning system must conform to predetermined, uniform (national) formulas. It makes little sense to urge and support a rational decisionmaking process based on the premise that State characteristics, and hence problems, vary, and then insist that each State place a certain percentage of funds available in a specified program area.

Congress ought to understand that even without categorization there are two operational aspects which tend to categorize the program, both bureaucratic. In the first instance, Congress through legislation, informational requests and criticism places pressure on LEAA to assert federal control over the program. In order to demonstrate to Congress and its members that LEAA is meeting their concerns, LEAA promulgates new guidelines. Over a period of time guidelines accumulate. Guidelines are added and supplemented; rarely are guidelines expunged or requirements deleted unless they are to be substituted with others.

These guidelines filter all the way through the system, to local subgrantees and your constituents, placing additional constraints on what and how something can be done, and imposing greater manpower requirements to get it done. Some of the complaints about red tape that you hear are a result of this phenomenon. In the second instance, there is a natural tendency of most federal agencies to want to control State and local programs, known to all of us as "creeping bureaucracy". Even though LEAA has tried harder than most federal agencies to fight against this tendency, LEAA has also been guilty of asserting its judgment, through promulgating guideline requirements, over the judgment of State and local government.

The National Conference welcomes the attention that is being focussed upon the courts in the criminal justice system. The National Conference and the fifty-five (55) SPAs have been actively seeking the full involvement of the courts over a number of years, particularly in the last two years. In 1974 the National Conference assisted in an intensive study of the participation of State courts in the crime control program, a study carried out under the auspices of American University by a team headed by John F. X. Irving, Dean of the Seton Hall University Law School. The National Conference, to the best of my knowledge, is the only national organization of criminal justice officials, including the various national judicial organizations, to thoroughly review each of the Irving team's recommendations, and take a position on them.

The National Conference has accepted seven of the ten Irving report recommendations, some with modifications, and has called for each of the SPAs to take appropriate actions to implement them. The National Conference has made itself available to assist the SPAs wherever asked. The National Conference is presently working on the program for its next annual meeting to be held this July, the theme of which will be State court improvement. Assistance in preparation for this meeting to the National Conference is expected from LEAA, the National Center for State Courts, the ABA and the Conferences of State Chief Justices and State Court Administrators.

In a more direct manner each of the SPAs has been working as closely as possible with its court system to gain as much cooperation and coordination as possible. Most States have encouraged their court systems to develop judicial planning committees, and planning staffs, which are broadly representative of the courts full organizational make-up. Some courts systems have done this. The appropriate structure and composition of these planning bodies varies from State to State. LEAA has made two significant grants to the National Center for State Courts and the National Conference of State Court Administrators to assist individual State court systems establish judicial planning committees and planning staffs. However, the courts are slow to accept LEAA money for the purpose of appointing court planners to already extant court administrators' offices or create new planning entities.

Three principle reasons appear to be: (a) the courts distrust of planning and planners, (b) the unwillingness to appoint planners during an austerity time when State legislatures are already taking a hard look at sorely pressed judicial budgets, and (c) the unwillingness of courts to go to the State legislatures in three years time to assume the costs of the programs. The problems that these two organizations are facing with the courts are similar to the problems the SPAs have been facing over the last several years despite the SPAs best efforts to fully involve the courts. The judges have often shown themselves uninterested in planning, management and administrative matter, even after considerable effort and inducements have been offered to them. For too many judges usually perceive themselves as judicial personnel whose role is to adjudicate, almost exclusively, to the detriment of their management responsibilities. Many judges are unwilling to recognize that the court system is part of a larger criminal justice system which is in dire need of coordination of its component parts to work at all efficiently or effectively. But because the judges consider themselves part of a different branch of government, and as independent and self-sufficient, they do not often feel the need or desire to cooperate with other parts of the system. Finally, a common finding by SPAs has been that judges, who must be independent in their adjudicatory role, are unwilling to be publicly accountable for their actions, whether of an adjudicative or of a management nature. Some judges fear that acceptance of grant money might result in the generation of information which can enable the public to observe judicial activity.

Thus, even if Congress does what the courts are requesting, which would lead to further categorization and is opposed by the National Conference, the problems that we have mentioned will still be present, and the courts may still be unwilling

or slow to use federal money. Instead, the National Conference recommends that Congress adopt the language recommended in Section 4(1) of H.R. 9236 so that in the few cases where best efforts by the SPAs have not been made, LEAA can take appropriate action. In our view this approach is more likely to solve the problems we have identified.

The National Conference finds it ironic that some of the most vocal judicial critics of the present program are those judges who have been given the most financial assistance. In case after case where SPAs have asked these critics to cite specific examples where irrational, improper or insufficient SPA actions have been taken, concrete instances have not been forthcoming. The National Conference hopes that during the course of these hearings, such specific information is made available to you. The National Conference, and I am sure LEAA, are anxious to rectify situations which require remedying.

A premise which is at the crux of much of the debate concerning the courts is whether the courts have received their fair share of LEAA money. It is the National Conference's perception through its participation in a present study undertaken again under the auspices of American University that the courts are receiving a fair share. The actual amount and percentage of the total block grant appears to vary from State to State, depending on a large variety of factors, including judicial need, long-range plans, judicial willingness to participate in the program, and other priority programs. However, it appears that when the final results of the study are in, courts as tribunals will have received more money from LEAA sources than the percentage of the courts personnel as compared to total number of criminal justice personnel would seem to warrant, and would receive approximately the appropriate amount of money as compared to the percentage of court appropriations from State and local government as compared to the total appropriations of all criminal justice agencies from State and local government. Until the American University study is completed the exact figures will not be known. But even then, the question of whether the courts will be considered to have received a fair share will depend upon the definition one uses for courts, of which there are many, and the criteria or standard to be used to judge adequacy. However, at this time it is possible to say that the courts may be receiving their fair share.

Evaluation, monitoring, and standard-setting are integral parts of planning and a high priority for State Planning Agencies. In 1972 the National Conference adopted minimum standards for monitoring and evaluation. SPAs since that time have been working diligently, and for the most part successfully, to maintain those standards. The standards were established by the SPAs early in the program because they recognized the need for information for themselves as grant administrators and for agency heads as policy decision-makers. Unfortunately, evaluation in any social science field, but particularly in the field of criminal justice, is at a rather primitive state. Although LEAA was given a mandate to assist in evaluation efforts in 1973, useful aid has yet to reach the State and local level. The only educational/training efforts in the area of evaluation designed for the particular needs of State Planning Agencies to date have been made by the National Conference. The National Conference conducted its first training session for State Planning Agency personnel on management of evaluation efforts, and its second session on specific evaluation efforts undertaken or completed and techniques used. Certainly much more in this area has to be done, and the SPAs are looking to LEAA for assistance (but not direction). The SPAs would like to see LEAA undertake large-scale, significant evaluations of high priority issues and knowledge gap areas to support State and local decision-making. One likely reason that major efforts were not undertaken in this substantive area earlier was Congress' own unwillingness to see money go into studies, research and evaluation. Evaluation requires that a design be established before a program commences. Evaluation design takes time, and delays the initiation of programming. However, Congress in the early days of the program was unwilling to condone lengthy program start-up times. As a result, adequate evaluation and administrative procedures were not fully established in the early days of the program. The Monagan Report, H. Rept. 92-1072, and other Congressional criticism focussed on "fund flow", the failure to get money spent quickly enough.

It is the National Conference's belief that further legislation in the area of evaluation is not needed. Adequate legislative authority exists and all levels of government are fully committed to the objective. What is needed is Congressional oversight to ensure that the best of intentions are followed up with satisfactory action.

Standards and goals efforts have become a significant part of SPA planning and operations. In 1972, as I indicated earlier, the National Conference felt it useful to establish minimum SPA standards for the administration of LEAA funds. Thus the National Conference developed twelve minimum standards for SPA self-improvement covering planning, auditing, monitoring, evaluation, grant management information systems, grant administration, fund flow, organizational structure, training and staff development, public information, affirmative action and technical assistance. These voluntary standards have operated as bench marks for each SPA.

The SPAs have also been actively involved in the standards and goals efforts at the State and federal levels. The SPAs participated in the efforts of the National Advisory Commission on Criminal Justice Standards and Goals, as did hundreds of other State and local officials. The National Conference considers the products produced by the National Advisory Commission worthwhile as it does the standards and goals produced by other national groups like the American Bar Association and the American Correctional Association. Sometimes the recommendations of these eminent groups coincide; sometimes they are at odds. The primitive state of the art in criminal justice and the philosophical perspective of the groups result in the variance in recommendations. It is the National Conference's opinion that it is inappropriate for the federal government to mandate any substantive standards. First, many standards are based on premises not validated facts. Mandating these standards would be premature. Second, many of the standards recommended by different groups conflict. And third, diversity is the very essence of our federal system. The establishment of mandated uniform standards would undermine the adoption of standards that are best suited and tailored to the needs of individual State and local jurisdictions.

The National Conference supports the approach taken by LEAA to permit the States to establish their own unique processes for developing standards and goals, and to tailor standards and goals to their own problems and needs, concerns and institutions.

Another significant component of planning is research. Research, like evaluation, contributes valuable information to decision-making. However, research efforts are often long-term, costly and have sometimes tenuous pay-offs. The National Conference believes that there is a significant role for the federal government and LEAA to play in this area. However, the promise in this area has never been realized. It is the opinion of the National Conference that LEAA's discretionary grant program and research efforts should be closely coordinated. This has not appeared to be the case to date. LEAA has never seemed to have had a long-term strategy of what it has wanted to do. It has funded a scattered number of projects, many of which on review would seem to be of low priority. Even where significant efforts have been undertaken, there have been problems, as in the case of the impact cities program. As GAO has reported, in that program there was little federal guidance. LEAA used the wrong program rationale. It tried to reduce crime instead of advancing a knowledge base. Because LEAA had so many disparate programs going on in each city, it had no idea what was working and what was not. And finally, there is some evidence that it funded particular cities for political and not substantive reasons.

LEAA has had significant difficulty coordinating the efforts of its centralized office with its regional operations. This has been particularly true as regards the coordination of research and discretionary efforts. Recent arrangements have had the National Institute making decisions on LEAA's research program, the Office of National Priority Programs making decisions on national scope discretionary projects, and the ten LEAA regional offices making their own decisions as to small scale, supplementary discretionery programs. In each of these cases, there is little coordination by the federal actors with the key State actors.

The National Conference would suggest that LEAA's efforts be committed to a smaller number of concentrated programs which could generate data from a comparison of significant new efforts in several localities, resulting in dissemination of valuable data needed and wanted by State and local decisionmakers. LEAA should be required to consult with the SPAs and local government prior to developing long-term research and discretionary strategies so that results of these efforts will be useful to the people in the field. To date strategies have been developed without significant State and local involvement, and have more often than not been designed to either meet political pressures and crises or test someone's favorite thesis at the moment.

Unless LEAA is willing to fund discretionary programs long enough (three to five years) to prove their effectiveness and to coordinate the development of national strategies and implementation of programming with State and local government, the likelihood that the costs of these federal efforts will be assumed by State and local government is not very great.

The Advisory Commission on Intergovernmental Relations in its recent study of the crime control program found that 64% of State long-term block grant programs were assumed by State and local government at the conclusion of federal funding. Congress has permitted the States flexibility to choose what is a reasonable period of time for the assumption of the cost of programs. States have developed a variety of policies, depending on the types of programs being funded (equipment, service delivery, management) and the experimental nature of the programs. Some States have opted for the development of across-the-board policies; others have not. The average time limit for funding among the fifty-five (55) SPAs is three (3) years. Permitting the States flexibility has proven worthwhile. Unfortunately, for the first time LEAA, in guideline M4100.1E, Paragraph 29(b)(5)(c), has required the SPAs to justify time periods exceeding three (3) years. It is the National Conference's belief that LEAA imposed time limits are inappropriate, that GAO and other reviewers of the LEAA program have suggested that four (4) and five (5) years of funding for some programs are warranted, and that in the present State and local fiscal crisis, arbitrary time-frames can only be detrimental.

The National Conference is aware of several proposals to modify Section 203(a) of the Crime Control Act including H.R. 7411. The National Conference is opposed to H.R. 7411 and other similar suggestions. The Conference believes that one of the strengths of the program to date has been that the SPAs have been created as adjuncts to the Governors, subject to their jurisdiction. This has enabled the Governors to receive criminal justice system-wide advice. As a result of this new resource, the Governors have been better able to exert much more effective leadership in the criminal justice field. In fact the SPAs have been asked to do more than merely plan for and allocate federal funds. Some SPAs have been asked to comprehensively plan so as to integrate all resources—federal, State, local—into a single planning and budgeting process for the criminal justice system within their States. In some States SPAs have been asked to operate as aides or arms of the State budget office; in others the SPAs have been asked to develop critical pieces of legislation; and still other SPAs have been asked to advise on administrative changes. In a few States, the SPAs have been asked to perform all these functions.

If one were to place the SPA under the jurisdiction of other officials, these foregoing benefits might not result. The Conference is unaware of any facts that warrant placing the SPA under any other State executive. The Governor is the chief executive, the agency performs executive functions, and therefore, it should be subject to the jurisdiction of the chief executive.

The Conference also sees no reason to require that a State legislature establish the SPA by statute. The Crime Control Act presently *permits* a State legislature to establish the SPA by statute if it so desires. There is nothing to prevent it. Close to forty percent (40%) of SPAs are already established by legislation. The remaining legislatures have had seven years to act. If they haven't established the SPA by legislation by now, it can be assumed that there are valid reasons why it has not been done—reasons which do not warrant interference by federal legislative action. In light of the frequent federal legislative and administrative changes requiring modifications in State enabling legislation, it is understandable why legislatures might be happy not to have to amend State legislation every several years to conform to changing federal requirements. It is the Conference's position that States should be permitted the maximum flexibility in this regard.

The Conference is also opposed to permitting the legislature to play an executive role in the planning and priority setting required under the Crime Control Act. The Crime Control Act presently requires the legislature to participate in the program through the appropriation of match and general oversight. However, the National Conference of State Legislatures is proposing that Congress go beyond present legislation and map out a role for State legislatures unique for any federal grant-in-aid program other than general revenue sharing. The State legislatures want the "final" word on how these federal monies are to be expended. They want to say what the program goals and priorities ought to be. They in fact want to obtain the same authority over this program that they have under general revenue sharing. No other federal categorical or block grant permits this kind of role for the State legislatures, and to do so here would establish a precedent.

The National Conference urges Congress to reject proposals to mandate specific quotas for board composition. It therefore recommends that the last sentence in Section 203(a) be struck and that suggestions for a requirement that a specified number or percentage of elected officials be on the SPA board be refused. Any attempts to establish quotas for any interest group on these boards should be rejected. To mandate specific quotas for board composition is to inhibit the selection of the most qualified persons, and jeopardizes the retention of the broad representative character of these boards. In some States, a requirement for legislative or judicial representation raises constitutional questions.

An area where significant amounts of money have been committed by some SPAs is to the area of increasing the employment of minorities and women in criminal justice agencies and developing programs to provide an increased level of services to minorities and women. In this regard the National Conference has passed resolutions calling for greater employment and services to minorities and females. Some SPAs would like to have the opportunity to play a stronger role in seeking civil rights compliance. Until recently, LEAA had preempted the field. In the last three months LEAA, in response to pressure from some SPAs, proposed regulations and promulgated guidelines which purport to enable SPAs to participate in this area. However, the SPAs have opposed these two proposals because the administrative mechanisms are so complicated and the manpower requirements are so burdensome that few if any SPAs can afford to assume the responsibility of this effort. Several SPAs feel that a strong State role in civil rights compliance is necessary due to LEAA's own failure to pursue strenuously this objective. Many SPAs would have been grateful had LEAA taken strong action to seek civil rights compliance against major State and local criminal justice agencies which were immune, for political and other reasons, from SPA and gubernatorial pressure and sanctions. But for unknown reasons, LEAA has always been slow to act in this area.

It is noteworthy that in the foregoing discussion of the major issues facing the program, the National Conference has called for few statutory changes. (Suggested statutory changes are found in the Senate testimony attached.) The National Conference believes that most of the mandates for a successful program are already extant in present legislation. What is needed is implementation of Congressional intent. The National Conference is of the firm belief that the changes in program operation will come about if Congress will give the operation of the Crime Control Act its attention. The National Conference would welcome yearly oversight so that it could report to Congress the successes and failures, the potential and problems in the program. The National Conference would be happy to provide Congress on a continuous basis information which it considers useful.

With your permission the National Conference will provide you for the record specific recommended statutory changes and a draft of its *State of the States** report, which will address in greater detail many of the issues discussed today, at a later date.

Congressmen, I would be glad to answer any questions you may have on my testimony today, my testimony before the Senate or other matters relative to the Crime Control Act program of which I may have knowledge.

STATEMENT OF RICHARD N. HARRIS, DIRECTOR, DIVISION OF JUSTICE AND CRIME PREVENTION, COMMONWEALTH OF VIRGINIA AND CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, OCTOBER 8, 1975

Mr. Chairman, and distinguished members of this committee, my name is Richard N. Harris. I am director of the Division of Justice and Crime Prevention of the Commonwealth of Virginia, and Chairman of the National Conference of State Criminal Justice Planning Administrators.

I and the National Conference very much appreciate your invitation to testify today at the hearings on the reauthorization of the Crime Control Act of 1973, and related matters.

The National Conference of State Criminal Justice Planning Administrators represents the directors of the fifty-five (55) State and territorial criminal justice planning agencies (SPAs) created by the States and territories to coordinate their programs to improve the administration of justice. Under the Crime Control Act,

*The *State of the States* report is prepared annually by the National Conference to describe the current States' roles in the Crime Control Act program.

the SPAs are the governmental entity responsible for determining how best to allocate approximately 67% of the appropriations made available to LEAA under the Act, a sum in Fiscal Year 1975 of almost $592 million.

In essence, the States and the SPAs are assigned the central role under the Crime Control Act. Now, having seven years of experience under the original Act and its extensions, we, the States, are delighted to share our experiences with you on the operation of the program to date, and those major recommendations we have for statutory changes in the reauthorization legislation.

Prior to 1965, there was *no* federal financial assistance program for State and local criminal justice agencies. Responding to a growing public concern about crime and criminal justice, Congress authorized a small federal assistance program under the Law Enforcement Assistance Act of 1965. The program, under the auspices of the Department of Justice, funded research and demonstration projects in accordance with predetermined, federally-defined categories of activities. The 1965 Act also authorized funds for the establishment of State criminal justice "planning agencies". This categorical grant program, operating under the Office of Law Enforcement Assistance, made no notable impact on the criminal justice system or crime.

Two years later, in 1967, the President's Commission on Law Enforcement and the Administration of Justice—commonly referred to as the President's Crime Commission—documented in detail the problems of the Nation's criminal justice system. The Crime Commission described antiquated police practices, deplorable conditions in our jails and prisons, and documented abuses of justice which had occurred in some of our courts. The Crime Commission blamed many of the difficulties of our fragmented criminal justice system on "its reluctance to try new ways". It challenged the "system" to confront its problems and to begin to work toward change and reform. The Crime Commission also called upon the American public to give the criminal justice system the wherewithal to "do the job it is charged with doing". The Commission strongly endorsed the concept of and need for a federal criminal justice assistance program "on which several hundred million dollars could be profitably spent over the next decade". The Commission also urged that State and local criminal justice *planning* efforts be supported by the Federal Government.

By 1968, crime had become the number one concern according to public opinion polls. In June of 1968, the President signed into law Public Law 90-351, the Omnibus Crime Control and Safe Streets Act of 1968. This legislation represented the Federal Government's first comprehensive criminal justice grant-in-aid program for State and local governments. The Safe Streets Act was specifically designed to provide financial aid and technical assistance for strengthening State and local law enforcement and criminal justice, and improving crime prevention and control efforts.

The Safe Streets Program has assisted and encouraged a broad range of projects to coordinate, modernize and increase all areas of the criminal justice system. The States have developed new approaches designed to help reduce crime. I would like to cite just a few of these activities in which State and local governments have been engaged.

Many improvements have been made in the area of police service—from community relations units, training and education programs to crime laboratories, improved telecommunications networks and specialized patrol techniques. In Muskegon County, Michigan, for example, our program funds have been responsible for that County's Centralized Police Dispatch (CPD) System. It is a county-wide four frequency consolidated communications system which has reduced operational costs and allowed police officers to be reassigned street duties. The system has implemented most of the applicable standards as cited by the National Advisory Commission on Criminal Justice Standards and Goals. And in Arkansas, we have funded that State's Law Enforcement Training Academy, which has provided training to nearly 5,500 officers in 184 courses and has utilized a mobile classroom in order to reach officers who, because of the size or workload of their department, would otherwise be unable to take advantage of the program. Many States have—and are developing—statewide criminal justice information systems. These systems expand the data base and significantly increase the efficiency of servicing information requests. In South Carolina, for example, an average of 300,000 inquiries are processed each month with a delivery time of 15 seconds per request. The previous manual method took from one hour to several days.

In Wheat Ridge, Colorado, police have created a special unit to help reduce commercial and residential burglaries. They have reduced response time to one minute, their burglary clearance rate is up 10%, and reported burglaries were reduced by 20% over the previous year.

States have also become actively involved in programs to upgrade all areas of court operations. In addition to assisting with the employment of specialized personnel, programs have been initiated to expedite caseflow management and reduce court backlogs and processing time, improve courtroom security and provide training and education programs for judges, clerks and other court personnel. Many states, including my own, have been key advocates and supporters of court unification efforts. In Mississippi, a program has been developed to offer practical training experience for law students. Students are assigned to prosecutors, public defenders and juvenile court judges with the goal of not only gaining experience, but also providing much needed assistance to the court system. Mississippi has also developed a Criminal Justice Research Service which provides judges and lawyers with comprehensive research data on various aspects of criminal law and procedure. In two years of operation, over 3,000 inquiries have been answered. The service has also been instrumental in assisting with curriculum changes in law schools by analyzing the nature of requests in order to make the law programs more responsive and useful.

In Pulaski County, Arkansas, a special circuit court support personnel program was funded to help reduce a backlog of 1500 cases awaiting felony jury trials. This project, during a three month period, reduced the number of cases seriously delayed in coming to trial by 693. One hundred eight (108) cases were closed with a 93% conviction rate. Prior to the project, the average time a person spent in jail awaiting trial was 3.5 months. After the project, that time was reduced to 1.3 months.

In Newark, New Jersey, a court management project has affected a court backlog decrease of 28%, and the failure-to-appear rates have been a low 12%, 13% and 8% for January, February and March of this year, respectively.

A major thrust of the Safe Streets Program in the field of corrections has been the development of "community-based" programs which seek to rehabilitate and treat offenders in or near their own communities. With program funds, States and localities are able to support basic and much needed activities such as improved probation and parole services, diagnostic and classification programs, improved treatment of female offenders, and expanded work-release and study-release opportunities for inmates. In Bucks County, Pennsylvania, funds have been utilized to improve adult detention services for inmates with drug, alcohol or emotional problems. The Diagnostic and Treatment Center offers a broad spectrum of psychological and psychiatric services, and identifies special problems. In only one year, this program saved the State over $60,000 which would have been necessary to take care of those persons who otherwise would have been sent to State institutions for 60 days observation.

In Omaha, Nebraska, funds are being used to help support the Greater Metropolitan Omaha Area Seventh Step Foundation. The program has reduced recidivism. Eighty-one percent of the clients have been placed in jobs, and there is only a 10% annual rearrest rate. In Middlesex County, Massachusetts, a program aimed at adult misdemeanants offers a comprehensive program of rehabilitation services and has reduced recidivism. The program serves approximately 350 to 400 inmates a year. For inmates 21 years or younger, the program has reduced the recidivist rate by 12%; for inmates 22 years or older who have been previously incarcerated and whose prior record centered on property offenses, the rate was reduced 23%. And in Sherwood, Arkansas, the "One on One" Volunteer Probation Program of the municipal court uses volunteers to help provide probation services to adults and juveniles in misdemeanor and felony cases. The project reports only an 8% recidivist rate.

A substantial amount of activity has been focused on the juvenile justice system. Among the achievements supported by our program are youth service bureaus, halfway houses, group and foster homes, and expanded counseling and referral services. States have been instrumental in establishing drug and alcohol treatment programs, emergency units, hot lines and crisis intervention programs. In Lincoln, Nebraska, for example, the volunteer probation counselor program is part of the Probation Department of the Lincoln-Lancaster Municipal Court. The program is directed at selected high risk offenders 18–25 years of age, and matches youthful misdemeanants with trained community volunteers. An evaluation indicates that these probationers showed a marked reduction in the frequency and seriousness of offenses during the probationary year compared to the prior year and a significantly better record than that of an equivalent group under regular probation.

In Philadelphia, Pennsylvania, the Neighborhood Youth Resources Center is open 13 hours a day and is located in the heart of the high-crime, inner-city area. The program seeks to divert inner-city youth, aged 10–17 years, from entering the juvenile justice system and provides a wide-range of supportive services.

During one four-month period alone, male truancy arrests were reduced by 69%. And during that same period, felony arrests of juveniles were 75% less in the target area than in a comparable area. In 1970 alone, seven gang-related deaths were reported in the target area. Since 1971, only two have occurred.

In Massachusetts, the Group School and Advocacy Program in Cambridge diverts youths from the criminal justice system through education, legal and nonlegal assistance. It is an alternative high school for delinquent and non-delinquent youth from low-income families. The Massachusetts SPA has cited this program as the foremost juvenile delinquency prevention program in the State and the National Institute of Mental Health has named it one of eleven national models for creative and innovative approaches to drug prevention.

Drugs are continuing to be a serious problem, and becoming more serious among our younger children. One program which has been aimed at reducing drug traffic is the Michigan Diversion Investigation Unit (DIU). The purpose of the sixteen man unit is to reduce illegal drug traffic, and to identify illicit sources of supply. During the first year, over $2.4 million in drugs were confiscated, 6 licenses revoked, and 70 arrests made stemming from 287 investigations. During the second year of the program, over $6.3 million in drugs were confiscated, 11 licenses revoked, and 110 arrests made from 45 investigations.

These are but a few of the thousands of programs that have been funded since 1969 through the Safe Streets Program. I could go on all day—in fact all week. I could tell you about the Work-Study Release Centers in West Virginia, or the Lake County Judicial Automated Record System in Waukegan, Illinois; the Neighborhood Assistance Officer Program in Dayton, Ohio; or the Integrated Program to Combat Organized Crime in California; the rape prevention programs in the State of Washington or the Grady County Youth Service Bureau in Chickasha, Oklahoma. The list is endless. The point, gentlemen, is that many useful programs and services are being provided and new techniques are being developed to improve the criminal justice system and to help find ways to reduce crime which would not be possible without the financial and technical assistance of this program.

In 1968, there appeared to be an assumption that better coordinated, intensified and more effective law enforcement and criminal justice efforts, from programs like those enumerated above, would lead to greater public safety and crime reduction. The "Declaration and Purposes" of the Safe Streets Act state:

"Congress finds that . . . To reduce and prevent crime and juvenile delinquency, and to insure the greater safety of the people, law enforcement and criminal justice efforts must be better coordinated, intensified, and made more effective at all levels of government . . . It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by national assistance." Further, in a specific statement of purpose (Section 301(a)), action grant funds are authorized to ". . . carry out programs and projects to improve and strengthen law enforcement and criminal justice."

The Congress apparently assumed that by promoting efforts to improve the components of the criminal justice system that crime would be reduced. By inference the Safe Streets Program would indirectly reduce crime. In 1968, no one seriously questioned the popular belief that the infusion of money to improve the criminal justice system would, in fact, automatically reduce crime.

Wholesale and lasting crime reduction through limited planning efforts and financial assistance confined to the criminal justice system is probably an unrealistic expectation. Rather, it is more likely that crime reduction and prevention can only be accomplished by addressing the total social, political and economic needs and attitudes of citizens. Long-term impact may come to fruition through continued efforts to develop a sound criminal justice system. However, it is worthwhile to keep in mind that the major role of the criminal justice system is to deal with crime after a crime has occurred. Therefore, crime prevention is more likely to occur when the efforts of the criminal justice system are operating at the same time the Nation is making major efforts to attain a strong economy, provide job and educational opportunities, ameliorate social inequities, and reduce the opportunity and need to commit a crime.

Let us assume that crime reduction was the direct and specific purpose of the Safe Streets Act. Was it a realistic expectation and a fair criterion that the federal investment must result in an immediate drop in crime? Reducing crime is an enormous burden to impose upon one grant-in-aid program which, by comparison to other federal assistance programs, is relatively small. In addition federal expenditures represent only slightly more than five percent of the total State and

local government outlays for criminal justice purposes. In the vernacular, it is merely a "drop in the bucket". However, it has been a necessary "drop" to aid in the development and operation of a responsible, responsive, fair and effective criminal justice system.

In assessing the effectiveness and success of the Crime Control Act program many observers, including Congress, look first to the reported crime rate compiled and published annually as the Uniform Crime Reports (UCRs) by the Federal Bureau of Investigation. However, two fundamental factors must be recognized when utilizing these statistics. First, during the past five years when reported crime exhibited an increase, the Nation's economic health began to suffer. Such key indices as inflation and unemployment skyrocketed. Historically, studies have shown that crime increases during periods of economic change and stress.

Second, the crime statistics are themselves controversial. Analysts challenge the validity and completeness of the UCRs because they are compiled through a voluntary, erratic and non-uniform system of collection. Much of the initial and on-going State and local expenditures in the Crime Control Act program are supporting the development of a more valid data base and improving the capability of criminal justice agencies to produce crime information on a complete, uniform and quality basis. As a result, these statistics are becoming more complete each year. More and more agencies are participating, and the data being generated are more reliable. Inevitably, this increased participation and completeness has had an impact on the numbers represented by the statistics.

They have increased. A recent study in Pennsylvania confirmed that a great portion of a recent increase in the UCRs for that State was as a result of additional agencies reporting statistics which had not participated in the reporting program the previous year. This finding exemplifies that the UCR statistics are not a clear indication of the seriousness of crime; data cannot, to date, be accurately compared from year-to-year; and there is a substantial pool of unreported crime.

As a result of these and other problems experienced with crime reporting, a new measurement technique, victimization surveys, is being encouraged to obtain a more accurate gauge of the scope of crime. The first national victimization survey was undertaken in 1967 (National Opinion Research Center Field Survey II, Criminal Victimization in the United States) as part of the work of the President's Crime Commission. Current victimization survey work is being conducted by the National Crime Panel of LEAA. Within the next several years, the States will have data which will permit them to determine whether the actual rate of crime victimization has been changing, and what if any effect the Crime Control Act program has had on the reduction of crime.

The National Conference fully supports reauthorization of the Crime Control Act, and in substantially its current form. Although resources made available under the Act constitute only slightly more than five percent of State and local criminal justice expenditures, the resources have made a significant impact on the criminal justice system.

The primary reasons for this impact programming has been that the federal money represents almost the only funds available to line criminal justice agencies ror experimentation and attempting new ideas and techniques, and that the States are expending the money in a planned, coordinated and rational manner. Monies under the Act have permitted system-wide criminal justice planning, directing responses to crime in urban areas, establishing standards for criminal justice personnel and operations, drafting major legislative changes including criminal code revisions, and introducing innovative programming. Without the infusion of federal funds under the Crime Control Act, the States and localities would be able to do little more than maintain their existing operations. At this particular time in our recessionary economy, reductions in or terminations of funds to States and localities would have a ripple effect. The States and localities have in many cases already cut their operations and programming to the bare-bones. Any federal cutbacks added to State and local budget problems would serve to make it more difficult to bring about the kinds of improvements called for by the President's Crime Commission.

Congress should reauthorize the program through 1981. The Conference believes that the continuity of the program is critical. The States have been faced with the original enactment of the Omnibus Crime Control and Safe Streets Act in 1968, amendments in 1970, 1973 and again this year. Put into conjunction with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, and the changing federal leadership of the program, the States have never had a stable program within which to operate. Each time the States have completed changes required by new legislation, regulations or guidelines, a new series of changes have been initiated.

The National Conference would like to see few major changes in the Crime Control Act. A vehicle for reauthorizing the Act and instituting some of the changes recommended is S.2212, which the National Conference endorses in part. The specific changes the Conference recommends, the proposed statutory language and the specific justification for each of the recommendations will be submitted to you at a later time for the record and for your consideration. However, I would at this time like to discuss in general terms several of our recommendations.

The Conference recommends that Section 205 be amended so that the minimum amount of planning funds allocated to each State would be raised from a base of $200,000 to a base of $350,000, but only if additional planning funds should be appropriated to cover the increases. This increase will enable the smaller States to perform the planning and administrative duties imposed upon them by LEAA, and larger States can continue to perform at least at their present financial level. Over the last several years, through statutory, regulatory and administrative changes, SPAs have been required to perform a large number of additional functions, some of which were once the responsibility of LEAA. Inflation has also taken its toll. One study conducted in Rhode Island indicated that the minimum amount of planning funds necessary for that SPA to perform its duties was over $500,000.

The Conference supports Section 3 of S.2212 which recommends that Section 205 be amended so that LEAA can reallocate unused Part B funds to the States, but we recommend that language be added to that amendment requiring LEAA to provide adequate notice to the States of the availability of such funds. Under present law 40% of Part B funds must be allocated for local and regional planning. For a variety of reasons, these local jurisdictions sometimes find themselves unable to spend their allocated money within the statutorily prescribed time. Without an amendment, the money cannot be reallocated to the States. Similar language requiring LEAA to provide adequate notice to the States of the availability of reverted Part C and E funds should be added to Sections 306(b) and 455(b), respectively.

The Conference also recommends that Section 301(d) be amended so that the requirement that not more than one third of any grant made to a State be expended for compensation of personnel be deleted. The States have frequently been criticized for expending too many federal dollars for equipment. However, Congress has limited the States' flexibility to provide additional service and training programs by restricting the amount of money that could be expended on personnel.

The language of Section 303(a) of the Act should be amended to clearly permit States to submit comprehensive criminal justice plans which LEAA could certify as valid for multi-year periods of time. Annual updates containing information of changing strategies and programs could be required. This would permit States to spend less time in producing largely redundant documents year-in and year-out and more time to do more meaningful planning and evaluation.

The statutory language found in Section 303(a)(5) describing the minimum contents of the comprehensive plan should be struck. These specific statutory requirements many times result in plans being submitted which, while they may meet these requirements for plan format, do not necessarily fulfill the needs of the federal, State and local governments for planning purposes. Plans are often produced by the States and reviewed by LEAA for conformance to these statutory and LEAA regulatory guidelines but not for their viability as planning documents. As a result the federal, State and local governments find themselves to a large degree involved in a paper war. Specific plan requirements that are relevant to the needs of individual jurisdictions are better developed by regulation than by a legislative provision which specifies the format of each State's plan.

The Conference supports Section 4(1) of S.2212 that would amend Section 303(a) by adding language encouraging States to develop, demonstrate and implement programs designed to strengthen courts and improve the availability and quality of justice including court planning.

State and regional planning units are presently not permitted to utilize Part C funds for conducting evaluation and technical assistance. In light of the block grant philosophy, language should be added permitting Part C funds to be used for that purpose.

The Conference believes that Section 307 should be struck in its entirety. Providing special emphasis to programs dealing with the prevention, detection and control of organized crime and of riots and other violent civil disorders is a reflection of the priorities of the late 1960's. Requiring arbitrarily that all States provide special emphasis to particular substantive problems is contrary to sound planning and the variety and degree of the problems found in each State.

The National Conference firmly believes the block grant approach found in the Crime Control Act and in S.2212 must continue in order to assure that the neces-

sary system-wide planning is undertaken; that coordination and cooperation, those concepts central to the present legislation, are promoted; that statewide priorities are set and addressed; and that local jurisdictional boundaries do not serve as a barrier to the initiation of good programming.

It is to be expected that a block grant program, by its very nature, will always be subject to cries for categorization and "earmarking" of funds. Those who represent special program interests or different classes of potential grant recipients will seek Congressional guarantees of their "fair share" as they see it. Notions of fair shares develop with respect to one level of government as opposed to another, one field of justice as opposed to another, one type of agency as opposed to another, one branch of government as opposed to another and one type of political subdivision as opposed to another.

In the past, categorizations for corrections and juvenile delinquency have been enacted. Today there are proposals to categorize assistance to courts, training and recruitment programs and high-crime urban areas, among others.

A system of statewide comprehensive planning is compromised and distorted when the programs and priorities generated by such a system must conform to predetermined, uniform formulas. It makes little sense to urge and support a rational decision-making process based on the premise that State characteristics, and hence problems, vary, and then insist that each State place a certain percentage of funds available in a specified program area.

In that an effective system of planning will naturally allocate resources in the most rational and appropriate manner, and in that LEAA has the appropriate mandate to review and scrutinize each State's planning process to ensure its validity and comprehensiveness, we urge that the Congress reject the proposals to categorize the Act further, such as those embodied in S. 460 for training and recruitment programs, Section 4(3) of S. 2212 with respect to a separate high-crime/urban areas program, and H.R. 8967 for court improvement. In fact we urge the Congress to review the Act for the purpose of identifying any areas where "de-categorization" may be possible. The Part E categorization for corrections should be eliminated, merging Part E resources into the general action program resource category under Part C.

The Conference is aware of three proposals to modify Section 203(a) of the Act. (1) The National Conference of State Legislatures and Senator Morgan in S. 1297 and S. 1598 would require or permit the State legislatures to establish the SPA, and possibly place the SPA under the authority of someone other than the chief executive. (2) The National Conference of State Legislatures would require that the legislatures play a role in planning and priority setting for the federal monies. And (3) the National Conference of State Legislatures and the National Association of Counties would require that the SPA supervisory board be comprised of a specified number or percentage of elected officials. The National Conference is opposed to each of these proposals.

The Conference believes that one of the strengths of the program to date has been that the SPAs have been created as adjuncts to the Governors, subject to their jurisdiction. This has enabled the Governors to receive criminal justice system-wide advice. As a result of this new resource, the Governors have been better able to exert much more effective leadership in the criminal justice field. In fact the SPAs have been asked to do more than merely plan for and allocate federal funds. Some SPAs have been asked to comprehensively plan so as to integrate all resources—federal, State, local—into a single planning and budgeting process for the criminal justice system within their States. In some States SPAs have been asked to operate as aides of arms of the State budget office; in others the SPAs have been asked to develop critical pieces of legislation; and still other SPAs have been asked to advise on administrative changes. In a few States, the SPAs have been asked to perform all these functions.

If one were to place the SPA under the jurisdiction of other officials, these foregoing benefits might not result. The Conference is unaware of any facts that warrant placing the SPA under any other State executive. The Governor is the chief executive, the agency performs executive functions, and therefore, it should be subject to the jurisdiction of the chief executive.

The Conference also sees no reason to require that a State legislature establish the SPA by statute. The Crime Control Act presently permits a State legislature to establish the SPA by statute if it so desires. There is nothing to prevent it. Close to forty percent of SPAs are already established by legislation. The remaining legislatures have had seven years to act. If they haven't established the SPA by legislation by now, it can be assumed that there are valid reasons why it has not been done—reasons which do not warrant interference by federal legislative action. In light of the frequent federal legislative and administrative changes

requiring modifications in State enabling legislation, it is understandable why legislatures might be happy not to have to amend State legislation every several years to conform to changing federal requirements. It is the Conference's position that States should be permitted the maximum flexibility in this regard.

The Conference is also opposed to permitting the legislature to play an executive role in the planning and priority setting required under the Crime Control Act. The Crime Control Act presently requires the legislature to participate in the program through the appropriation of match and general oversight. However, the National Conference of State Legislatures is proposing that Congress go beyond present legislation and map out a role for State legislatures unique for any federal grant-in-aid program other than general revenue sharing. The State legislatures want the "final" word on how these federal monies are to be expended. They want to say what the program goals and priorities ought to be. They in fact want to obtain the same authority over this program that they have under general revenue sharing. No other federal categorical or block grant permits this kind of role for the State legislatures and to do so here would establish a precedent.

The National SPA Conference urges Congress to reject proposals to mandate specific quotas for board composition. It therefore recommends that the last sentence in Section 203(a) be struck and that suggestions for a requirement that a specified number or percentage of elected officials be on the SPA board be refused. Any attempts to establish quotas for any interest group on these boards should be rejected. To mandate specific quotas for board composition is to inhibit the selection of the most qualified persons, and jeopardize the retention of the broad representative character of these boards. In some states, a requirement for legislative or judicial representation raises constitutional questions.

It has come to the attention of the National Conference, that you will receive proposals to change the match provisions of the Crime Control Act. The States have worked exceedingly hard to ensure tight financial management and fiscal integrity in the block grant program. Concern in this area prompted the National SPA Conference to undertake a large and onerous effort in developing a model management information system (MIS) and to now implement that system in the States. Among those lessons learned in the administration of the program were those related to the unmanageable and ghostly nature of so-called "in kind match." The States have had numerous illustrations that cash match, the real and accountable contribution made by a grant recipient as its commitment to the project undertaken, is far preferable to "in kind match." The States would also oppose any change which would limit their option to require such match on either a grant-by-grant or "aggregate" basis. There are numerous cases where grant characteristics and circumstances would require the use of grant-by-grant match to ensure fiscal integrity.

Finally with respect to matching contributions, the States would be opposed to changes in the Act to require a State "buy in" on local projects of more than $5 for every 90 federal dollars on all non-construction projects and $25 for every 50 federal dollars for local construction. If in attempting to comply with the Act's assumption of cost requirement, States ask local subgrantees to provide more than 5% of project cost in continuation funding years, the State should not be required to contribute more than the required five percent "buy in". In fact, to do otherwise frustrates the intent of the assumption of cost provision, which is designed to ensure that local grantees begin assuming total program costs without increasing federal or State assistance. Since local projects will become totally locally funded, the State assumption of cost policies get localities to begin to make an early substantial investment in their projects.

Mr. Chairman, the program is fundamentally sound. The system of justice in America today is substantially superior to that which served us a scant seven years ago. I thank you for your attention and consideration, and I would be pleased to entertain any questions.

"STATE EFFORTS TO REDUCE CRIME AND IMPROVE JUSTICE", AN ADDRESS DELIVERED BY RICHARD N. HARRIS, DIRECTOR, DIVISION OF JUSTICE AND CRIME PREVENTION, STATE OF VIRGINIA, AND CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, JANUARY 18, 1976

Serving as chairman of the National Conference of State Criminal Justice Planning Administrators over the past six months has been a privilege and an immense personal pleasure. This office has complemented my previous opportunities to help develop a national organization which provides responsive and

responsible service to the states, and has given me a unique chance to see and assess the progress of many of our fifty-five (55) states and territories in bringing about meaningful efforts to strengthen and improve our systems of justice in America.

It has been a busy six months for the Executive Committee, our working committees and task forces, and our professional staff; and, I believe, a productive period. Later during this meeting you will be considering proposals on handgun control which were the products of a diligent task force effort and an attempt to respond to the recommendations of the Long Range Planning Committee, made last year and adopted by this Conference at its last Annual Meeting. Those recommendations sought to shift the organization's attention from administrative matters to more substantive concerns. In line with this change, numerous contacts have been established with other professional organizations associated with the justice field; the resulting liaison and cooperation is indicated by the presence o many organizational representatives at this very meeting.

Through the work of your Executive Committee and Legislative Advisory Committee, a precise and definitive position on reauthorization of the Crime Control Act has been developed and transmitted by oral and written testimony to the Senate. The concern of the states on regulations and pending legislation related to privacy and security issues has been articulated to administration and Congressional officials; and that concern has manifested itself in the theme and predominant substance of this Mid-Winter Meeting. The Conference has solicited, amalgamated and presented SPA positions on the extensive and important M4100 planning guidelines, as well as less significant guidelines and regulations promulgated by LEAA. Representatives of your conference have discussed and will continue to discuss with LEAA means by which more useful and responsive guidelines may be developed.

Along with these more substantive considerations, the National Conference has continued to provide a full range of membership services. In September an orientation briefing was conducted for new SPA directors and deputy directors. It was attended by 19 newly-appointed SPA officials. Approximately 80 SPA evaluation personnel gathered in November for an evaluation workshop sponsored by the National Conference, which provided a uniquely pragmatic training exercise for SPA specialists in a field where such training is largely unavailable.

But I do not wish to devote this occasion to outlining or assessing the program of the National SPA Conference; for I have found these past six months in my travels and readings, the true breadth and abundance of state and local efforts to renovate the institutions of criminal justice, and I wish to reflect briefly on the extent of accomplishments in that endeavor.

The introduction of statewide comprehensive planning to the field of criminal justice has engendered an environment in which rapid change and development can be and has been possible. The very nature of the justice field, its expanse and subsections, which has led many to call it a "non-system", had also created a leadership vacuum in terms of system-wide leadership and coordination. Although the funds appropriated by the Congress under the Crime Control program have indeed provided an incentive for change and have represented the only discretionary money available to most units of government for new and innovative approaches, they have only represented at their peak an average of five percent (5%) of state and local criminal justice resources. The major contribution of the program, therefore, has not been the provision of these financial resources, but the development of mechanisms, institutions and an environment for cooperation and change which have never before been present in this area. The complex of institutions like state criminal justice planning agencies and local criminal justice coordinating councils, unheard of only a few years ago, has produced the dynamics of systems planning and budgeting, and has established lines of communication which traditionalists had thought impossible a scant decade ago.

The products of this process and these changes are too numerous to fairly represent in any one speech or even in any one document. Certainly a feeling for the nature and extent of the program's accomplishments may be sensed in the reading of such documents as LEAA's Compendium of Criminal Justice Projects and its annual reports, the forthcoming publication of The Safe Streets Act: Another Look at the First Major Block Grant Experiment, proposed by the Advisory Commission on Intergovernmental Relations, or the forthcoming State of the States report to be published by the National SPA Conference. Each of these documents contains from dozens to hundreds of examples of state and local efforts fostered by the Crime Control program. In most of these documents,

however, the focus is indeed on projects; and I believe at times the system-wide programs under which these projects fall, and the long-term impact of these programs, are overlooked.

Impact on the executive planning and budgetary decision-making process at both state and local levels has been one of the most important products of our cumulative efforts. The executive branch of government has oriented itself toward, and in numerous instances reorganized itself for, a total resources and system-wide planning and development program for criminal justice. In Kentucky, where the State Planning Agency is also the planning and budgetary arm of the state's consolidated Department of Justice, in Michigan where the SPA is that portion of the state's planning and budgetary office which deals with all elements of the state's justice program, in South Carolina and Virginia where the established planning and budgetary process includes coordination and review by the SPA of all justice budgets on behalf of the Governor . . . in these states and in many others, as well as in analogous local operations, those efforts and resources expended at a given level of government, regardless of their source, are being subjected to a process of coordination and focus which is unique to this decade.

As significant as the changes in planning and budgeting activities within the executive branch itself, is the growing interface between the executive and legislative branches of government in the promotion of stronger and equal justice. Over ninety percent (90%) of the State Planning Agencies have as an element of their work program legislative involvement; and this decade has witnessed an unprecedented volume of enabling and reformation legislation for criminal justice. SPAs have provided staff and financial support to legislative study commissions which have contributed to modifications in the criminal codes of no less than forty-nine (49) of the fifty-five (55) jurisdictions and a total renovation of the codes in North Carolina and Arkansas, among others. Involvement in law and regulatory reform is perhaps one of the most lasting contributions that an SPA can make to improve the basic structure of the justice system. For example, in Wyoming, where a limited population base affords only modest Crime Control Act funding, much has been undertaken in the legislative arena.

Since 1971, the Governor's Planning Committee in Wyoming has drafted and successfully supported the passage of legislation requiring appropriate records keeping and reporting by local law enforcement agencies, requiring certification—through the Peace Officers Standards and Training Act—of full-time peace officers, amending existing statutes to allow the utilization of volunteer probation programs, authorizing the use of public defender programs and mandatory compensation for assigned counsel when defender programs are not used, providing state-paid liability insurance for local peace officers, authorizing a system of full-time county attorneys, and establishing a jail standards advisory committee to promulgate standards and provide for inspection of local jails.

In concert with efforts of operational agencies and legislative committees, the Florida SPA, as another example, provided leadership in statewide judicial reform, the strengthening of protective regulations for Florida's Indian tribes, the consolidation of the Division of Corrections and the Probation and Parole Commission into a Department of Offender Rehabilitation, the deinstitutionalization of status offenders (initiated, I might add, prior to the passage of the Juvenile Justice and Delinquency Prevention Act of 1974), establishment of a statewide juvenile probation and aftercare function, development of speedy trial regulations, passage of legislation providing a mandatory sentence for any crime committed with a handgun, establishment of strict regulations for licensing of all drug rehabilitation and treatment programs, and the development of a statewide crime laboratory system. Similar recitations can be made state after state after state.

Perhaps the most developed and fully-implemented thrust of the Crime Control program has been in the area of improved training and educational opportunity for employees of the justice system. Recognized at the outset by all jurisdictions as one of the most neglected areas and obvious deficiencies of the justice system, almost every state has implemented minimum education and training standards and comprehensive academic curriculum for law enforcement personnel. Block grant funds were used to establish the Arizona Law Enforcement Officers' Advisory Council which developed a basic training program for all peace officers in that state. By training 700 peace officers each year, over 4,000 Arizona law enforcement personnel have been trained in basic law enforcement requirements since the program's beginning. This effort, as in the case of many programs of this kind, is now totally supported by state and local funds and is an institutionalized fixture of the Arizona criminal justice system. Training standards have extended beyond

the peace officer in North Carolina. There, the Criminal Justice Training and Standards Council provides a statewide mechanism for regulating the employment, training, remuneration and retention of all criminal justice personnel.

Another important long-term effort forstered by the Crime Control program has been the modernization of criminal justice telecommunications. Any effort within the criminal justice community to coordinate and cooperate has been long mired by the patchwork development of fragmented communications systems. There was early recognition that more sophisticated steps toward intergovernmental cooperation, including the transmission of computer-based criminal justice information and the functioning of inter-agency operational enforcement units, would have to be premised on the ability of agencies to effectively communicate with one another. As a result, every state and most localities have undertaken the study and implementation of area-wide telecommunication plans designed for technological compatibility, economy and the efficient utilization of available transmission frequencies and other resources.

As part of the Iowa telecommunications plan, the State Division of Communications is providing upon request technical expertise to local agencies in developing communication plans and specifications in conformance within the statewide plan. Services available from the Division include system evaluation, development of acceptance test procedures, and technical assistance in the conduct and evaluation of bidders' conferences and vendors' proposals. Through Texas SPA efforts, all of this state's 1800 law enforcement agencies are now provided with direct and effective radio communication; and, although the implementation of this project cost nearly $26 million, it has been estimated that implementation of the system by individual local agencies, without the SPA's planning and coordination services, would have cost approximately $40 million and would probably have omitted numerous essential coordinative linkages. This significant cost savings is also important in this period of depressed revenues and tight budgets.

Building upon the growth of effective voice communications, the states and localities have introduced criminal justice information systems to provide the criminal justice community accurate and instantaneous retrieval of pertinent data elements concerning its clients and the management of its operations. In Missouri, for example, the police response early warning system combines the knowledge and skills of police science, social research and city planning in a multidimensional approach to crime prevention. The system anticipates the requirements for police service long before they appear on the police switchboards as calls for assistance. On the county level in Nevada, the serious problem of trial court overload and delay is being addressed through the establishment of the automated cross-reference and retriveal system as a part of a modern court management and information system. This automated system provides instant access to docket information and is utilized in drafting a trial calendar and monitoring the progress of civil, juvenile, and criminal proceedings.

As in numerous other states, the New Jersey state crime information system is providing instantaneous access to criminal records for state and local enforcement personnel, usually within three to seven seconds after the inquiry. Data from New Jersey indicates that one out of every forty inquiries made through the system produces information leading to arrest or recovering of stolen property. The timely acquisition of precise and analyzed data will be of continuous advantage to planners, managers and operators in every aspect of criminal justice.

Coordination among the sub-systems of justice is possible today because those sub-systems themselves are less fragmented. Judicial reorganization and the introduction of modern management techniques has enhanced both the efficiency and equity of court proceedings. In Georgia a constitutional amendment was adopted authorizing court unification; and the Administrative Office of the Courts was established by statute. In this and many other states, unified one or multi-tiered court systems have emerged with an administrative, management and planning capability. In Indiana, Utah and numerous other states, county and district attorneys, formerly without an institution for information exchange, training, technical assistance or liaison, have, with SPA assistance, organized statewide prosecution coordination agencies, some of which have developed into legislatively-recognized and supported operations. Through such programs an on-going curriculum of training seminars and conferences, a capability for legal research and case assistance, the publication of legal briefings and case studies, and the development of prospective prosecutors through internships and work

study subsidies have all constituted a boon to the prosecution function. Developing systems of equal justice, states have established or enhanced indigent defense capabilities. In New Jersey, for example, SPA funds have provided the Office of the Public Defender with adequate staff to reduce its case backlog. North Dakota has established a regional public defender system with service blanketing the state. Over 90% of the states have similarly enhanced both their prosecution and defense capabilities.

Unification efforts have been perhaps most badly needed in the corrections field to afford a comprehensive battery of rehabilitation alternatives on the treatment continuum. In Missouri the evolution and operation of a statewide probation and parole system is a direct outgrowth of the SPA block grant program. SPA funding on a trial basis proved the worth of satellite probation and parole offices; and in 1973 the state legislature appropriated funds to establish a network of regional offices. The availability of probation and parole supervision in every criminal circuit court has expanded the sentencing alternatives for judges. In Texas expansion of the state's probation capability through SPA-funded programs has provided alternatives to incarceration or unsupervised release. Before undertaking the program in 1970, only 72 counties had probation departments. Today that number has more then tripled; 232 counties have such departments.

There are other significant developments in the correctional field, as states and localities develop and introduce expanded treatment alternatives, community-based services and diversion from traditional institutional settings.

A major program supported by the Illinois SPA has placed over 1,960 ex-offenders into jobs after release from prison, and has experienced less than a 7% failure rate—7% of program participants being reincarcerated. In New York City, the SPA has funded a residential facility for boys, ages 16–18, who have been released from Riker's Island. This project, operated by New York City Independence House, has provided comprehensive counseling, education, training, job placement and recreation services to over 200 youths with less than a 20 percent failure rate.

As funds provided through the Crime Control program do constitute the only resources available to most jurisdictions for experimentation, we should not overlook the test tube aspect of state and local efforts. New techniques in crime prevention and crime specific planning have characterized SPA programming. Efforts are underway to marshal the citizenry to compliment the criminal justice system, in order to make the citizen more cognizant of his or her potential contribution to the realization of a more safe and secure society. New planning techniques have been developed to focus the utilization of resources on crime- or offender-specific objectives. The Minnesota Crime Watch program, implemented through more than 200 local law enforcement agencies, informed citizens of steps to reduce their risk of becoming crime victims, especially in several key criminal activities. The Quayle Survey used to evaluate the program revealed a substantial success in increasing citizen awareness of the crime problem and of means of self protection and in generating citizen action to undertake some of these measures.

A crime-specific program funded by the California SPA, focusing on burglaries which, in that state, account for more than half of all major crimes committed, has witnessed a decrease of over 50% in the burglary rate per 1,000 for the six target areas serviced by the program during its first four months. The program employs a variety of intervention techniques, including community involvement, public education, home security inspections, increased patrol, property identification, and improved surveillance and investigative techniques to reduce the incidence of burglary and determine the most effective strategies and techniques for burglary intervention.

In my own State of Virginia, we have eleven of the state's major cities participating in an anti-burglary and robbery crime specific program in which each locality was allowed to devise its own approach to the target crime, based on its own crime analysis and planning. Careful evaluation and continuous reassessment—by the SPA, as well as by the project personnel—have meant that the program is not only reducing the target crimes but also providing each police department with valuable new planning and operational techniques which are being applied department-wide.

The list is long . . . and my time on the program this morning is brief. That constraint does not permit me an opportunity to cite examples of extensive state and local efforts in juvenile justice and delinquency prevention, in drug and alcohol abuse deterrence or other important areas. I have, however, mentioned most of the major program thrusts undertaken and cited examples from 22 states in the respective areas. Given more time, examples could have been provided from every jurisdiction involved in the program.

In passing the Omnibus Crime Control and Safe Streets Act in 1968, Congress provided the necessary stimulus to begin change in a system of justice which had too long been neglected and misunderstood. I've just related to you a few of the important strides which have been made in the years which followed.

But every advance has brought with it a growing realization of the magnitude of the task we face. Indeed the work has only begun and an improved and strengthened system of justice can, at best, only play one role in the complex societal phenomenon that generates or inhibits crime and criminal behavior. I therefore urge you not to lose sight of the important fact that the criminal justice community cannot go it alone, and we in the SPAs are in the best position to make that known—to all levels and agencies of government and to the public at large.

Ladies and gentlemen, I compliment you and your SPAs for the progress you've made. Much has been accomplished and perhaps this presentation has indicated in a small way the progress being made to cope with the problems of crime and justice in this country.

TESTIMONY OF RICHARD N. HARRIS, DIRECTOR, DIVISION OF JUSTICE AND CRIME PREVENTION, COMMONWEALTH OF VIRGINIA, AND CHAIRMAN, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS, ACCOMPANIED BY RICHARD B. GELTMAN AND JANE ROBERTS, NATIONAL CONFERENCE OF STATE CRIMINAL JUSTICE PLANNING ADMINISTRATORS

Mr. HARRIS. Thank you, Mr. Chairman. Thank you for also introducing my two colleagues.

What I would like to do, since you already have my written statement, with two previously given statements attached thereto, is to give an oral statement which is a brief extract of the formal written statement. As I do so, I will attempt to refer to pages of my written statement which has been submitted to you so that you can generally follow my comments.

The National Conference and I very much appreciate this invitation to testify.

In essence, the States, as you know, through the State planning agencies or SPAs are assigned the central roles under the Crime Control Act.

We have now had 7 years of experience under the original act and its extensions, and we in the States are delighted to share our experiences with you concerning the operation of the program to date and those major recommendations we have for changes in the reauthorization legislation.

In our testimony before the Senate Subcommittee on Criminal Laws and Procedures, we dealt specifically with the particular amendments which we recommend to the Crime Control Act. Since this is generally an oversight committee, we have tried in this testimony to address major policy questions rather than concentrating on specific amendments.

Mr. CONYERS. Well, I want to remind you we are going to handle those amendments, too.

Mr. HARRIS. Yes, they are attached to my statement.

As mentioned, the written statement which I gave before the Senate subcommittee is also attached to this statement, and I am not going to go through that orally because I think it would be redundant.

Mr. CONYERS. All right. We will incorporate it into the record with no objection.

Mr. HARRIS. The National Conference fully supports reauthorization of the Crime Control Act, and in substantially its current form. And I am referring now to page 2 of my statement.

This support for the program rests upon two fundamental premises.

First, that crime is primarily a State and local problem best dealt with by the people and their local governmental representatives.

Second, that the Federal Government can best contribute to the resolution of this problem through assisting but not mandating the States and localities to focus specific activities and resources on direct and indirect actions to impact on crime and improve justice.

Now, after 7 years' experience under the program, the States believe that these two premises are sound and that actions based on these will best enable the country in the long run to reduce crime and improve the administration of justice.

To my knowledge, no substantial questions have been raised concerning the first premise. However, implicit in much of the criticism of the operation of the crime control program is a questioning of the second premise that the Federal Government should not direct but only assist and guide.

It is ironic that many of the same critics calling for direct Federal control have been, and continue to be extremely captious, not only of LEAA but of the old Federal crime control programs, such as OLEA, which is the organization, as you know, that preceded LEAA within the Department of Justice, the children's bureau and the youth development and delinquency prevention administration, all of which programs were designed as categorical grant programs and which, in turn, exercised strong, centralized direct control.

The intuitive feeling of these critics has been, apparently, that highly paid, well qualified Federal bureaucrats responsive to central control and supervision from Washington can design and administer solutions to crime problems in the 55 State and territorial jurisdictions and in their localities, despite all the local complexity, uniqueness, better than those 55 units of Government can do themselves.

Yet, each time the Federal Government has tried to accomplish this task it has failed, and, to the extent that LEAA is trying to direct State activity with crime control money it controls, it is failing, also.

The National Conference believes that the answer is for Congress to give LEAA the mandate to assist the States in their efforts rather than Congress telling LEAA to coerce the State to comply with Federal directives.

To date, LEAA has taken, it seems to me, a neutral position and failed to either assist the States or mandate State compliance to federally imposed standards.

The National Conference believes that the block grant program can work even more successfully if LEAA will utilize its resources and concentrate on the utilization of its research, discretionary grant, training, education, evaluation and leadership roles, to determine State needs as perceived by the States and develop a limited number of high impact, focused and integrated programs to assist States in these efforts.

LEAA's main efforts to date have been to mandate, by way of guidelines, what they perceive to be changing congressional interests and, yet, on the other hand, to passively react to a diverse number of unrelated pressures.

It is the National Conference's contention that the least effective way for Congress to induce change and improve crime control efforts is to mandate it.

The most effective method for Congress to provide leadership would be to require LEAA to provide information, successful models, and technical assistance in a coordinated manner, reflected in coordination among the disparate subunits of LEAA, and responsiveness to the States so that the States, who can best plan for and allocate Federal grant money to the locally defined problems, needs and priorities, can maximize the chances that Federal money will yield success and the costs for the program will be assumed by State and local government.

A crucial role for Congress in this regard is frequent oversight to insure that LEAA is serving and responding to States, localities and their priorities.

Mr. CONYERS. Well, that is the one thing we have not done, is given frequent and constant oversight.

Mr. MCCLORY. Well, if the Chairman will yield, the reason for extending the act only for 3 years in 1971 I think it was, or 1972——

Mr. HARRIS. 1973 was the last time.

Mr. MCCLORY. 1973. The reason for extending it only 3 years was that we would have that oversight.

Mr. HARRIS. Precisely. I do not intend to imply that it has or has not occurred, sir; I am merely suggesting for the future—my comments were directed at the future, not at the past.

Mr. MCCLORY. You are asking for it to be extended 5 years. Of course, the oversight function arrives when the legislation has to be reauthorized. It can occur otherwise, of course, but——

Mr. HARRIS. I am suggesting that future oversights should be more frequent than just after that 5-year span.

The natural tendency is for the Federal bureaucracy to operate independently and attempt to perceive on its own what Congress really wants, without the specific directions of Congress in the interim, and consequently, the Federal bureaucracy becomes the source of all wisdom and justification for the program which, I think, is part of our problem right now in terms of some of the criticism that is being directed at the program.

I am referring now to page 4 of my testimony.

The crime control act program should be reauthorized for 5 years. The National Conference believes the continuity of the program for that particular length of time is critical. The States have been faced with the original enactment of the Omnibus Crime Control and Safe Streets Act in 1968, amendments in 1970, 1973 and again this year. As a result of this fact, combined with the passage of the Juvenile Justice and Delinquency Prevention Act of 1974, and the changing Federal leadership of the program, the States have never had a stable program, substantively and administratively, within which to operate. Independent of legislative change, LEAA has, itself, constantly changed the ground rules of the State operated program by promulgating a multitude of external directives, at last count 40, many of which change on a yearly basis for no apparent reason. Each time the States have completed changes required by new legislation, regulations or guidelines, a new series of changes have been initiated, and when we are talking about trying to achieve, as the gentlemen

from the General Accounting Office said in their testimony, some degree of continuity in tracking the success, or lack thereof, of programs, this kind of change impedes that endeavor.

This situation has not been very different, I might add, on the appropriations front, and here, I suppose, my comment is directed at the Congress. LEAA's appropriations have fluctuated rather rapidly. I am now referring to page 5 of my written testimony.

The National Conference has reached the conclusion that Congress must give the States and the localities a firm and stable program for a minimum of 5 years, with estimated yearly appropriation figures that can be relied upon for long-term planning.

Without this long-term commitment by Congress, it is impossible to do long-term planning and the States will continue to find many local jurisdictions and criminal justice agencies simply unwilling to undertake multiyear experimental and innovative programs and unwilling to make, at the front end of those programs, any kind of commitment, to assume the costs of those programs over time.

Without a commitment, it seems to us, by the Federal Government, to long-term, stable LEAA funding, State and local governments are very unlikely to give similar commitment.

On page 6, the National Conference believes, as does the Advisory Commission on Intergovernmental Relations, and as does the President, the continuation of the block grant approach in this program is warranted.

The States are constitutionally in the appropriate position to coordinate criminal justice programing and allocate scarce resources.

The block grant approach, as expressed in its inception, provides States and localities that are closer to, and have more knowledge of, local problems than the Federal Government with the flexibility to put resources where those problems, needs, and priorities are.

Unfortunately, however, some of the flexibility which was inherent in the original block grant proposal and in the clear legislative intent which accompanied that, in the original Safe Streets Act, has been lost, in my view, over the years, and we hear from some interests even further calls for particularization. Without the elimination or reduction of categorizing language from the reauthorization of the Crime Control Act, this program could well become a block grant in name only and difficult to distinguish from other Federal categorical grant-in-aid programs.

Mr. Chairman, as I see it, and for purposes of definition, I define grant-in-aid programs in three areas: categorical, block, and revenue sharing. I think each has a distinct legal definition, and, indeed, I think have now become legal terms of art. I used these terms in my comments.

Mr. CONYERS. Summarize your definition briefly, please.

Mr. HARRIS. Well, the categorical program, which at last count make up something like 86 percent of existing Federal aid programs, date back to the first Franklin Roosevelt administration, and are the type where there is a designated Federal agency which has a direct grant-in-aid relationship with State and local governments and makes the grants. The Federal Government is the ultimate grantor. The State or local agency is the ultimate grantee.

The block grant program, such as the crime control program, which indeed was the first block grant program, is one whereby a grant is made once a year by a designated Federal agency to a State for subgranting by that State-to-State agencies and local units of government for purposes of implementing the program. There are differences in the kinds of guidelines which can be imposed on a categorical program as opposed to a block grant program.

I think you are aware of the definition of revenue sharing.

That, of course, is a general revenue sharing law which we have now where Federal involvement is even much less than in the block grant program, and you may remember that President Nixon had proposed the conversion of the LEAA program to a special revenue sharing program in 1973.

Well, having gone through those definitions, let me continue with my formal remarks.

The National Conference recommends that Congress strike from the Crime Control Act of 973, section 307, sections 451 through 455, known as part E, and section 520(b). It also recommends that Congress reject calls for special funding for courts which are contained in H.R. 8967, urban high crime areas, which is section 4(3) of H.R. 9236, or the bill for supposedly alleviating court congestion which is H.R. 11251.

The National Conference believes that a system of statewide comprehensive planning is really compromised and distorted when programs and priorities generated by such a planning system must conform to predetermined or uniform national formulas. It makes little sense to urge and support a rational decisionmaking process based on the premise that State and local characteristics, and hence problems, vary, and then insist that each State place a certain percentage of funds available in a specified program or project area.

I am referring now to page 8.

The National Conference welcomes the attention that is being focused upon the courts in the criminal justice system. The National Conference and the 55 SPAs have been actively seeking the full involvement of the courts in crime control endeavors over a number of years, particularly in the last 2 years.

Most States have encouraged their court systems to develop judicial planning committees, and planning staffs, which are broadly representative of the courts' full organizational makeup. Some court systems have done this, of course, and the appropriate structure and composition of these planning bodies varies, as you might imagine, from State to State. LEAA, indeed, has made two significant grants, one to the National Center for State Courts, and the other to the National Conference of State Court Administrators to assist individual State court systems and establish judicial planning committees and planning staffs. However, the courts are slow to accept LEAA money for the purpose of appointing court planners to already extant court administrators' offices or create new planning entities. Three principal reasons appear to be:

First, the courts' distrust of planning and planners, which, I might say, is not a syndrome unique to the courts.

Second, the unwillingness to appoint planners or other staff persons to court administrators' offices at the State level during an austerity

time when State legislatures are already taking a hard look at sorely pressed judicial budgets.

Third, the unwillingness of courts to go to the State legislatures in 3 years' time or whatever the time is, to ask legislatures to assume the costs of the program that the court is initiating.

The problems now being faced by the two organizations I have referred to and to which LEAA has made these grants, are the same problems that the SPAs have been facing over the last several years, despite our best efforts to fully inolve the courts.

These two organizations, in their effort to institutionalize some sort of judicial planning process, are finding the same three problems that I have just articulated.

The judges have often shown themselves uninterested in planning, management and administrative matters even after considerable effort and inducements have been offered to them.

Far too many judges usually perceive themselves as judicial personnel whose role is to adjudicate, almost exclusively to the detriment of their management responsibilities. Many judges, in my view, are unwilling to recognize that the court system is a part of a larger criminal justice system which is in dire need of coordination of its component parts, to work at together efficiently or effectively. Because the judges consider themselves part of a different branch of government, independent and to some degree self-sufficient, they do not often feel the need or desire to cooperate with other parts of this criminal justice system, which are generally in the executive branch of government.

Finally, a common finding by SPAs has been that some judges who must be independent, obviously, as James Madison intended in their adjudicatory role, sometimes are unwilling to be publicly accountable for their actions, whether it be adjudicative or management in nature. I have found, personally, that, to some extent, judges fear that by accepting grant money, it may result in the generation of some sorts of information, simply information that would be needed for managing the courts more efficiently, that would more publicly expose the operation of the judicial system. This may sound strange to you, as it certainly sounded strange to me, but it exists to a large extent in some parts of our country. Thus, even if Congress does what the courts are requesting, which would lead to further categorization and is opposed by the National Conference, the problems, as we see them and have mentioned, will still be present, and the courts may still be unwilling or slow to use Federal assistance.

Instead, the National Conference recommends that Congress adopt the language recommended in section 4(1) of H.R. 9236 so that in the few cases where best efforts by the SPAs have not been made, LEAA can, indeed, take appropriate action. In our view, this approach is much more likely to solve the problems we have identified, and I might add, Mr. Chairman, with which we in SPAs have been trying to wrestle for 6 or 7 years, that being: How to bring the court system into the real world of criminal justice system.

Mr. CONYERS. But you do not want to categorize——

Mr. HARRIS. No, sir, for reasons that I have articulated.

Mr. CONYERS. I have got some questions I want to get to as soon as you have——

Mr. HARRIS. Let me go ahead and finish. Then we can come back if that is all right.

Mr. CONYERS. All right.

Mr. HARRIS. A premise which is at the crux of much of the debate concerning the courts is whether the courts have received a fair share of LEAA money. It is the National Conference's perception, through its participation in a current study now being undertaken under the auspices of American University, that the courts are receiving their fair share.

The actual amount or percentage of the total block grant appears to vary from State to State, depending on a large variety of factors, including judicial need, long-range plans, judicial willingness to participate in long-range programs and other priority programs, but until this American University study is completed, the exact figures simply will not be known. Even then, the question of whether the courts will be considered to have their fair share, will depend on the definition one uses of the courts, of which there are many, and the criteria or standard to be used to judge adequacy of funding.

However, at this time, it is possible to say that, from the fragmentary information so far generated by this study, the courts may be receiving their fair share, and so the criticism they have directed in that regard, I think, is unfair.

Now, evaluating, monitoring, and standard-setting are integral parts of planning and a high priority for State planning agencies.

In 1972, the National Conference adopted minimum standards for monitoring and evaluation. Since that time SPAs have been working diligently and, for the most part, successfully to maintain those standards.

Those standards were established early in the program because we recognized the need for information for ourselves as grant administrators and for agency heads as policy decisionmakers.

Unfortunately, evaluation, in any social science field, but particularly in the field of criminal justice, is at a rather primitive state, and I can safely say that I only wish that there had been some history of endeavors in evaluation in a social science field before we undertook the LEAA program. It has always amazed me that so little had been done prior to 1968.

I have researched, or had my own staff in Virginia, research rather carefully the work of HEW, which was one of the primary departments over the years engaged in social science programs, but have found very little that indicates any really good efforts toward evaluation systems.

Therefore, we would like to see LEAA undertake large-scale, significant evaluations of high priority issues and knowledge gap areas to support State and local decisionmaking.

One likely reason that major efforts were not undertaken in this substantive area earlier, and let's be frank about this, was Congress' own unwillingness to see money go into studies, research and evaluation.

Mr. CONYERS. Now, Mr. Harris, how much more time are you going to need?

Mr. HARRIS. Well, I can cut this short, Mr. Chairman. I am simply referring to comments that have already been made available to you in written form. Let me skim through it, and I will wrap up in about 2 minutes. Will that be satisfactory?

Mr. CONYERS. Yes.

Mr. HARRIS. Evaluation requires that design be established before a program commences, and evaluation takes time, and I think that you will recall back in 1972 there was a report by a committee of Congress chaired by Congressman Monegan, which directed heavy criticism at the fund-flow problem in the program, and from that came an impetus to spend the money quickly. I think this deterred LEAA and the States, both in getting at the substantive question of evaluation at the time they should have gotten at that question.

I mentioned in my written comments, the matter of standards and goals. I indicate quite clearly that we fully support the endeavors of LEAA in that area. Their attempts to encourage the establishment of some viable process in each State to compare the practices and laws of that State to the recommendations of the National Advisory Commission on Criminal Justice, Standards and Goals and the American Bar Association, and other model standards, has been a positive and constructive influence.

We fully support the continuing standards and goals endeavors. On the subject of research, and Mr. McClory has always asked at every hearing about the subject of research, we fully support his views and comments made by the General Accounting Office with regard to the emphasis that now should be given by LEAA in the area of research.

Let me conclude my oral comments by saying, Mr. Chairman, that it seems to us vital that there be now at the Federal level some melding by LEAA of its endeavors in the discretionary, technical assistance, research, and evaluation areas so that there is a concentration in focus involving these four areas and not a continuing effort to treat them as separate parts of independent systems.

We refer you to the recommendations of the Advisory Commission of Intergovernmental Relations, and we generally support the recommendations made in that Commission's report.

Mr. CONYERS. Well, the problem is, we have got so many questions that we cannot treat you today with the justice which you deserve. What I am suggesting is that the nerve center of this legislation is through SPA's, and that we would like you, if you are willing, to come back at another time. The subcommittee has agreed to that plan, if you would be in agreement with it.

Mr. HARRIS. I would love to do that, sir; I would be happy to.

Mr. CONYERS. We have our county and coordinating council witnesses to come on next, and we do want to give them a chance, and your statement has raised a great number of questions and we want to be able to go into that thoroughly with you. So I want to be able to go into that thoroughly with you. So I want to thank you for coming, and I invite your coming back. We will reschedule that.

Mr. HARRIS. That will be fine, sir. We will be happy to do that.

Mr. CONYERS. Our final witnesses are Mr. Philip Elfstrom, Ms. Jarrette Simmons, Mr. Ernest Allen, all of whom are participants in the boards of supervisors, regional planning commissions, and related agencies.

Ladies and gentlemen, we welcome you. We would invite that you recognize that your testimony that you have prepared in advance is incorporated into the record at this point, and I would yield to my colleague, Mr. McClory.

[The prepared statement of the National Association of Counties follows:]

STATEMENT BY THE NATIONAL ASSOCIATION OF COUNTIES ON REAUTHORIZATION OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968, AS AMENDED

NACo proposes 14 changes in the Law Enforcement Assistance Administration program instituted by the Omnibus Crime Control and Safe Streets Act of 1968, as amended. These changes follow from four fundamental county concerns:

1. The local criminal-justice system is a shared city-county operation. Disaster and failure always attend programs that forget this basic principle (as we learned in the Impact Cities program, pp. 54–6).

2. The single most urgent need of this system was over-all planning and coordinating. Neither the city nor county could initiate it without suffering the slings and arrows of the other, and the extra dollars to finance the planning and coordinating capability were simply not to be squeezed from already overtaxed property owners. LEAA met this single most urgent need by encouraging States to create regional planning units and allowing urban counties to form planning units with their cities. County officials utilize these planning units to help them make criminal-justice policy, not just to secure LEAA dollars. The new planning and coordinating capability is well-established and growing (pp. 5–14).

3. This new planning and coordinating capability must be unshackled, and enhanced.

4. Local elected officials must have a greater say in both state and regional (or city-county) criminal-justice plans.

NACo's 14 proposed changes in the LEAA program follow. Page numbers refer to sections in the testimony that elaborate on each change. These changes are reworded as amendments to the Crime Control Act of 1973 on pages 50–53 of this testimony.

To unshackle local governments, enhance their ability to plan for their criminal-justice system as a whole, and to carry their plans through to completion:

1. *Regional planning units should receive block grants from the state planning agency according to formulae the state works out with its local governments. City-county coordinating councils serving urban areas should receive block grants* (pp. 14–17).

2. Local governments should not be forced to plan in narrow categories of grant assistance, or to emphasize one part of the criminal-justice system at the expense of another. *This means Part E (a special section of the act for corrections should be repealed, and no other narrow category of grant assistance established* (pp. 9–18).

3. *Regional and city-county planning units should be allowed to spend money for planning.* The act now prohibits using Part C funds ("action funds") for planning, and designates Part B funds only for planning. But Part B funds are inadequate to the task. A portion of action funds should be used to monitor and assess how effectively the rest of the action funds are being spent (pp. 7–18).

4. *States should pass through at least 50 per cent of their Part B planning money to regional and city-county planning units.* They now pass through 40 percent (p. 18).

5. *Single-county regional planning units serving urban areas should be allowed to develop comprehensive plans for their criminal-justice systems and receive block grants to act on their plans* (pp. 16–17).

6. *Monitoring and evaluating should be added to the functions regional and city-county planning units may perform* (pp. 7–18).

To bring planning and programs into alignment with the criminal-justice system:

7. City plans must be coordinated with those of their county. *Cities in urban counties should be required to coordinate their criminal-justice plans with those of the surrounding county* (Appendix D).

8. *Discretionary funds to be distributed by LEAA should be reduced from 15 per cent to 10 per cent. The portion distributed by the states should increase from 85 per cent to 90 per cent.* Money for special or experimental programs should be moved closer to the state-local criminal-justice system (pp. 7–18, and Appendix D).

9. *State-wide priorities should be set in cooperation with local governments* (p. 18).

To give county government more say in the LEAA program, and to resolve some of the problems counties and their planning units experience dealing with the state planning agency:

10. *The state planning agency's board of directors should be composed of a majority of local elected officials. Of those officials, 51 per cent should be executive and legislative: county executives and commissioners or supervisors (or equivalents called by other titles), mayors and city councilmen (or equivalents called by other titles)* (pp. 17–18).

11. *The regional or city-county planning unit's board of directors should be composed of a majority of local elected executive and legislative officials.* These officials decide how 95 per cent of the criminal-justice dollars are spent in their jurisdictions. They also decide whether to continue funding programs started with LEAA dollars. They should be part of the decision-making process in the regional or city-county planning unit as well (pp. 7–18).

12. *Local governments should be allowed to calculate their local match requirement in the aggregate rather than project-by-project.* In some states, local governments are required to provide cash match by invariable formula to each LEAA-funded project. This sometimes creates an unnecessary hardship that could be alleviated by allowing local governments to offset unusually large expenditures on one project with smaller expenditures on another.

13. State planning agencies should submit multi-year plans to LEAA, and update them annually. State planning agencies must now engage in a massive project every year to get the state plan written. Naturally, they pass a great deal of the work down to the regional and city-county level. And devoting so much time to the project slows down the state's reviewing grant applications or answering questions from the local level (p. 18).

14. *Establish the exact percentage states contribute to the local share required to qualify for LEAA money.* Under the ambiguous law we now have, the state is required to pay one-half the non-federal share required. The first year a program is funded, LEAA requires 10 per cent local match. The state pays 5 per cent But states also set out varying formulae for reducing the LEAA dollars and increasing local dollars. Usually, LEAA dollars decrease to zero in three years. Local governments pay, say 25 per cent the second year, and 50 per cent the third. But the states chip in 5 per cent the second year and 5 per cent the third. Their excuse is that the *federal* requirement is 10 per cent and the increasing-share requirement is their own. We say federal dollars are federal dollars, state dollars state dollars, and local government's dollars the most heavily invested in criminal justice. The state should contribute one-half the cash local governments are required to pay to receive LEAA dollars, regardless whether LEAA or the state sets the required percentage (p. 18).

THE LEAA EFFORT—WHAT BENEFITS TO COUNTIES?

In 1968, Congress perceived crime as a national emergency, and wanted to speed relief to the front lines—to the law-enforcement, judicial, and correctional agencies that could register the most immediate effect on crime rates.

Congress reasoned the most effective relief would be block grants, administered by state planning agencies (SPAs). State planning agencies could assess the situation around the state, and divide the block grant among cities and counties according to the size and urgency of the problems they faced.

This strategy against crime holds up in theory, but as Napoleon said, the secret of success in war of any kind lies in communications—and in communications the strategy failed.

NACo believes the greatest benefit counties realized under the act and LEAA program it created was a new planning and coordinating capability. The second greatest benefit was an additional source of money for criminal-justice programs and facilities.

But this new relationship and capacity is encumbered with another: between local governments and their planning units, and the state planning agency. Here communication often flounders in red tape, delays, and the state's aggrandizement of funding decisions.

BEFORE THE ACT

The components of the criminal-justice system were independently created and functioned autonomously. Professionals who direct major criminal-justice agencies—sheriff, prosecutor, criminal-court judge—still run for election under their own steam, and their operations remain independent by force of statute and tradition. Sheriffs can date predecessors back to the 11th century, American prosecutoring attorneys developed in the 18th centry and modern corrections in the 19th century. Urban police walked their first beats in 1850.

Before 1968, few criminal-justice agencies actually planned how they would enforce the law or administer justice. They were overworked, understaffed, and too tightly budgeted for much more than keeping up with their caseloads.

Planning for the criminal-justice system was even rarer. Each part operated autonomously, rarely communicating plans or needs. The actions of one sector of the system had a major impact on other sectors, yet the different parts of the

system were not accountable to one another, nor was there any mechanism to foster communication.

A presidential commission reported in 1967 that fragmentation existed at all levels of the American criminal-justice system. The same report recommended that the federal government encourage states and localities to set up planning agencies and funnel money through these agencies to experiment with new approaches and methods. Congress responded by writing the recommendations into the Omnibus Crime Control and Safe Streets Act of 1968.

THE FEDERAL GOVERNMENT'S CONTRIBUTION—LOCAL PLANNING

The act encouraged each state to set up regional planning units. These units were to determine local priorities for inclusion in the state comprehensive plan for criminal justice, and ship grant applications from their regions to the new state planning agency for approval.

LEAA created a mechanism for the interrelationship of independent criminal-justice agencies—the first major innovation in the criminal-justice system in a century. Regional planning units are coming of age. Local governments and criminal-justice agencies are accustomed now to working together with planning staff. In the fiscal crisis local governments face, planning for an efficient coordinated criminal-justice system is especially important.

There are now 540 regional planning units for criminal justice, funded by Part B (planning) funds under the act. Local elected officials constitute a majority of their boards of directors. Those local elected officials make sure plans address the broad spectrum of crime problems in the area. Planners do not just concentrate on LEAA programs. They get local elected officials and criminal-justice professionals together to analyze data for their area, assess possible responses, order these according to urgency, and get programs started. Without the contribution of the LEAA program, such planning and cooperation could not have been achieved.

Regional planning units organized and began functioning quickly—despite the newness of regional criminal-justice planning. In a survey conducted by the Advisory Commission on Intergovernmental Relations (ACIR), 42 out of 43 responding states noted in 1970 that regional planning units were actively involved in the state planning process. Of the responding states, 75 per cent also credited regional planning units with offering technical planning assistance to counties and municipalities in their region. The Commission noted that regional planning units "had already established themselves [by 1970] as planners, coordinators, facilitators and supervisors of local action plans and programs. . . . they had become major actors in the program."

The staff of rural regional planning units perform valuable functions for local governments. They work on all sorts of criminal-justice problems—their local governments use them as planners and advisers, not grantsmen. Regional planning units provide small rural governments with expertise they would never otherwise be able to engage.

Examples of services provided by five regional planning units to local governments are described on pages 23–33.

The National Association of Counties sees regional planning units as a resource for county governments. Regional planning units can and do:

bring representatives of criminal-justice and other service agencies together, and encourage them to collaborate on new programs;

collect and analyze data, including review of criminal-justice agency budgets;

study particular problems, and recommend options;

help local governments decide among their priorities for all criminal-justice expenditures, not just programs seeking LEAA funds;

monitor new and continuing programs;

evaluate various approaches and methods, and

bring the latest in criminal justice thinking to the attention of local government officials.

STATE-LOCAL RELATIONS—REGIONAL PLANNING UNITS VS. STATE PLANNING AGENCIES

What about the speedy relief Congress enjoined the state planning agency to pass quickly to its local governments? State planning agencies have two years from the time they receive their block-grant money to obligate it, or forfeit.

Regional planning units work feverishly to meet the shifting deadlines imposed by their state planning agencies, and submit their proposals on time, only to see them languish.

Local officials claim the regional planning units offer them better service than state planning agencies could (or do).

"The grassroots approach to criminal-justice planning is working. Our metropolitan planning unit, which we've had since 1971, works very effectively to get the most for our criminal justice money," says Blair Reeves, county judge (chief elected official) of Bexar County, Texas.

Bexar County's director of Criminal Justice Planning, William Holchak, told NACo "My planning unit is hampered by LEAA administrative procedures. We have proven that local planning really works. If we could get block grants directly, instead of having them go through the state office, we could have a much more efficient planning program. Block funding would cut red tape 75 per cent. My staff now has the unbearable burden of writing 35 to 40 applications each year to the state planning agency in order to obtain approximately $2.2 million in LEAA funds. Also, we are bound by guidelines issued by the state planners on how long grant funding can be used for specific projects."

The General Accounting Office, in an evaluation of one state's use of LEAA funds, observed that the state planning agency handicapped the regional planning units. The state guidelines for "action programs"—a key section developed for the benefit of local units of government—were so vague they could not be used.

The General Accounting Office added that with sufficient time and guidance, the regional planning units might have been able to contribute more to the state's comprehensive plan for 1972. The staff had begun to research, at that time, local problems for planning purposes. The General Accounting Office also noted that although regional planning units were small, they hired qualified persons—both well-educated and familiar with the practicalities of law enforcement. Members of their boards of directors could also contribute to comprehensive planning.

In developing that state's 1973 plan, regional planning units were asked to gather, analyze, and submit more comprehensive data than they had the previous year, including the results of an extensive research survey of regional needs and problems involving each functional area of the criminal-justice system. The regional planning units, however, were allowed only 2-½ months to complete the survey.

Most states rely on regional planning units for their information on local criminal-justice conditions. Regional planning units hold public hearings and study the systems of the counties and cities in their regions.

The states gather information from regional planning units and criminal-justice coordinating councils and wrap them into a state plan.

Amendments to the act, and guidelines issued by LEAA, make the application process for grants confusing and difficult.

The state planning agencies suffer frequent staff turn-over. The Advisory Committee on Intergovernmental Relations discovered that 23 of the 55 state planning agencies changed directors between October of 1974 and September of 1975. The new directors change priorities and establish new relationships with their boards and regional planning units. Local planning is complicated by constantly shifting groundrules. Regional planning units need a state office scoreboard to keep track of the players.

Data that the Advisory Committee on Intergovernmental Relations gleaned from the states' fiscal '76 planning-grant applications indicated that all regional planning units have at least one full-time staff person. The number of employees ranges from 133 in California to one in Rhode Island. Regional planning unit staffers are now familiar with the criminal-justice system in their regions. In contrast to state planning agencies, there has been very little turnover in regional planning unit executive directors or criminal-justice planners. This continuity provides local governments with dependable expertise.

The left hand knoweth not the right hand in the state planning agency. One hand writes the state guidelines, the other hands out funds for what is often a completely different set of programs. One hand rejects regional planning unit proposals, saying it can't find the money, the other hand returns money to the federal government, unspent.

The General Accounting Office found in an evaluation of one state planning agency that its lack of adequate financial controls contributed to the state planning agency's failure to use or re-program about $250,000 in block-grant funds within the allowed time. The state was forced to return the money to LEAA. During

the time that this money was lying unused, the state planning agency disapproved a number of applications for programs due to lack of funds. NACo realizes that not all states are so disorganized. Some states get the money to their local governments efficiently (and are often penalized when appropriations are cut—they have no "cushion").

Some states adopt a "centralized planning" approach, forcing regional planning units and criminal-justice coordinating councils into "shopping list" planning to second-guess decisions state planning agencies make as they go along.

In states that have centralized planning, many regional planning units approve almost all requests they receive. This is not planning in the accepted sense of the word, and they know it. They are forced by the state structure to submit many applications to increase the odds that some will be funded.

In some states, local planning units are told to submit a plan consistent with the state plan. The catch (22) is that the state plan is developed *after* local plans are submitted. The state reviews requests local planning units make and divides them into categories. The state planning agency board then decides which categories are going to be funded that year. Regional planning units wonder how to play their hand in these states. Block grants would allow local governments to identify regional priorities with the help of their planning units, and develop some plans for their criminal-justice systems without trying to guess the state planning agency's next move.

Other states use a method known as "decentralized planning." They give RPUs and coordinating councils an "allotment" figure to work with. These numbers are approximate, since the Congressional appropriations process is not complete at the time regional planning units begin to plan, but it gives them a range in which to work. These states are more likely to accept than overrule regional plans.

In Montgomery County, Maryland, the Coordinating Council listed five projects they wanted to fund with LEAA dollars, in order of priority. The state planning agency funded priorities 4 and 5—but not the first three.

It is time to recognize the validity of the local planning process. Local governments spend billions of dollars on criminal-justice systems. It is ludicrous to suggest they cannot make intelligent decisions on the 5 per cent of their criminal-justice budgets contributed by LEAA.

HOW DO LOCAL ELECTED OFFICIALS FEEL ABOUT THEIR REGIONAL PLANNING UNITS?

Local governments endorse their regional planning units. Of 741 cities and 408 counties responding to an ACIR survey, half said their regional plan adequately reflected their concerns and desires. Two-fifths of the cities and one-third of the counties said the regional plan significantly responded to their needs. Only one-quarter of the cities and 15 per cent of the counties felt the regional plan reflected their priorities to a minimal extent.

This must be viewed as an accomplishment. Planning units deal with all the criminal-justice agencies and several local governments in their region. Writing a plan that satisfies them under arbitrary and changeable state guidelines and odds-only chance of seeing it funded is a labor Hercules might have refused.

STATE PLANNING AGENCIES VS. REGIONAL PLANNING UNITS, ROUND TWO

Although local governments express satisfaction with their regional planning units, 19 states told ACIR those regional planning units were inadequate. Their reasons interest NACo. We think they can be remedied by more authority and discretion, exactly the changes we recommend.

For example, states complain regional planning units have insufficient funding to support full-time staff. The solution suggests itself. States also claim local elected officials on planning-unit boards are uninterested in planning-unit meetings. NACo submits local elected officials are not interested in planning if the state always overrules them. NACo's experience suggests they do participate in the meetings. For example, a county in Nebraska told NACo that a grant for nearly $120,000 was disapproved twice by the local planning board. It was obvious that the program was ineffective. A group of unemployed union leaders wanted to form a private non-profit corporation to train ex-offenders. None of the prospective trainers had any teaching experience. They had arranged only temporary "make-work" for the former inmates. But, the State Crime Commission overrode local officials and ordered the project funded.

Seventeen states indicated that their regional planning units had developed an adequate planning capability. These 17 states, combined with the 19 whose complaints can be corrected by giving the RPUs more authority, and funds, demonstrate that regional planning units are ready for an expanded role.

REGIONAL PLANNING UNITS SHOULD RECEIVE BLOCK GRANTS

Regional planning units should receive block grants from the state planning agency according to a formula the state works out with its local governments. Regional planning units have shown themselves to be better planners than state planning agencies. They need authority and discretion (and money) to help their local governments enact these plans.

Block grants cannot be absorbed by all regional planning units. States should work out arrangements with local governments in their state to determine the allocation of funds. Counties (or combinations of counties and cities) with populations of 250,000 or more should be entitled to an allocation based on a formula determined by the state. Flexible arrangements can then be made in consultation with local officials for the administration of LEAA funds in the balance of the state.

For example, in Ohio, six urban single-county regions receive block grants. The rest of the state is divided into four areas. Planning is provided through the state office.

In South Dakota, mini-block grants for equipment and renovation are given to the regional planning units to be spent according to local priorities. These block grants are easy for the planning units—even rural planning units—to handle.

Although local governments are entrusted with billions of dollars in local revenues to fund over 90 per cent of the criminal-justice system, the LEAA program severely restricts their using a few million to make some much-needed improvements. Confrontations between state and local governments is built into the program. The attitude of LEAA was clearly stated by one administrator as, "give the states the money and let local governments fight for their 70 per cent."

We need to move local governments into full partnership with the states in order to turn the battle of fighting for funds into a campaign of fighting crime at the local level. Regional planning units should get block-grants from the state similar to those received by the state from LEAA. Local plans should be approved at the state level, but local projects should be evaluated, selected, and approved at the local level.

Most planning units now wait 12–18 months to receive funding on grant applications. Applications are first submitted in summary form with the regional plan. Months later, after the regional plan is incorporated into a state plan and approved by LEAA, grant applications are again submitted to the state for funding. From four to six months could be saved if grant applications could be approved locally. The most common complaint we hear from county officials is the redtape involved in sending 30 to 50 grant applications to the state planning agency for review and submitting all budget adjustments and grant amendments to the state planning agency for approval. While more discretion is slowly evolving to the local level, the big change—block grants to local planning regions—must occur before we can streamline the program and target funds to local priorities.

A disturbing trend in the program is the decrease in appropriations coupled with increasing requirements for local matching funds. Local governments are required, in many states, to put up 25–75 percent of the project cost in the second and third year of the project. This requires substantial commitment of funds before the project can be evaluated.

The reason for increasing the local share is the shortage of appropriations to start new projects. Only by withdrawing federal funds during the second and third years of the project can the state planning agency liberate money for new projects.

This will discourage local governments from starting long-term innovative projects and force them into short-term capital projects and expenditures.

URBAN SINGLE-COUNTY REGIONAL PLANNING UNITS

NACo believes large urban counties should be able to join with their municipalities into a criminal-justice coordination council. This council or unit would write a comprehensive plan and receive a block grant to fund it.

Problems of large urban counties—high crime rates, large criminal-justice expenditures, population density—dictate that cities and county join together and plan for their complete system instead of joining a larger region.

Urban criminal-justice systems are complex. The cities and the county form a whole system—planning for one is meaningless without planning for both. A single coordinating council can draw together all the components.

At the same time, urban county criminal-justice problems are too complex to solve through a multi-county regional planning unit. The priorities of the urban county are rarely the same as those of the surrounding counties. All get slighted when disparate parts are artificially united.

Kane County, Illinois, with a population of over 264,000, has worked at various times with both a multi-county planning region and a single-county crime commission. Phillip Elfstrom, Chairman of the Kane County Board of Supervisors told the Senate Subcommittee on Criminal Laws and Procedures October, 1975, "For a county my size, I definitely prefer a single-county planning unit. We can develop a rapport with the criminal-justice agencies and muncipalities and concentrate on improving one criminal-justice system rather than several."

WHAT SHOULD THE STATE DO?

NACo does not advocate eliminating state planning agencies. We do, however, advocate giving them a role they can perform instead of saddling them with the impossible job of trying to plan for a system they don't control.

State agencies should: Plan for state agencies; monitor and evaluate state programs; set broad, clear policy guidelines; review and approve local comprehensive plans; compile local plans into a comprehensive state plan; and provide technical and research assistance to regional planning units.

State agencies should review and approve regional plans as a whole, instead of trying to handle 30 or 40 individual project proposals for each region.

The state agency staff under NACo's plan would be free to concentrate on state-wide priorities and planning. Most state planning agencies do not plan for state agencies now. Freed from the responsibility of trying to review and approve hundreds of local projects they would be able to assist state agencies, and plan for the state criminal-justice system.

The state planning agency's board of directors should be composed of a majority of local elected officials. Since state and local costs are paid by local governments, local officials should determine state planning policies. They should constitute a majority of the state planning agency's board of directors. NACo feels a majority of these local elected officials on state boards should be legislative and executive officials such as county commissioners and elected mayors and city councilmen. NACo welcomes the contribution of criminal-justice professionals and private citizens. Representatives of these two groups should also sit on state and local boards.

WHERE DOES LEAA MONEY GO? SOME EXAMPLES WE BELIEVE ARE REPRESENTATIVE

Bexar County/San Antonio, Texas, used LEAA funds to initiate the following programs—all of which have been, or soon will be, transferred to local budgets:

county-city organized-crime control unit,

sheriff's major crimes task force to assist municipal police on felony cases;

jail improvements including library services, adult education programs, literacy courses, and a psychologist to screen inmates applying for probation;

increased district attorney's staff 30 per cent, new capital crimes division and a special section for investigations of complicated crimes such as swindles;

expanded adult probation programs (75 per cent) and juvenile probation programs (30 per cent);

city-county computerized information system covering jail inmates, judicial caseload, booking, warrants, master prisoner name file.

Bexar County now spends $1.5 million annually to continue programs started with LEAA funds.

Anne Arundel County, Maryland, started an arbitration program to settle disputes between youth and the community.

"Kids can no longer tell the community where to go," said David Larom, juvenile justice supervisor. "Our community arbitration program brings them to a hearing within five days after they're accused of a misdemeanor. It used to take six weeks."

Victims are encouraged to participate in the program, and half of them show up for the hearing. Before the arbitration procedure only 10 per cent bothered. Local governments and their regional planning units, increasingly identify youth crime and delinquency prevention as top priorities.

In a 1975 study, NACo found sheriffs' departments in 97 of the nation's largest counties were evolving into centralized law-enforcement bureaus for municipal police departments. This would not have been possible without increased planning, coordinating, and financing available through the LEAA program.

Examples from articles in *County News* are included in Appdenix C.

HOW DOES THE LEAA MONEY FLOW?

The fund-flow problem has plagued the LEAA program from the beginning. How can money appropriated by Congress be put to work more quickly by local subgrantees? In 1973, Congress amended the act to require state planning agencies to approve applications in whole or in part within 90 days of receiving them. The amendment failed to achieve its goal—speeding up the fund-flow—for two reasons:

1. The 90-day time clock starts running, LEAA says, is when a complete application has been received by the state planning agency including all A–95 review comments. Therefore, the state planning agency has three months to review an application after months of preparation has been completed by a series of local operating and planning agencies and local and state A–95 review agencies. The 90-day requirement does not preclude the state from disapproving applications, in whole or in part, even though an outline of the project was approved months earlier in the local plan. This means more local time is required to revise or re-submit applications.

2. The 90-day deadline does not count the time necessary to complete the planning process that must be done before submitting grant applications to the state. A recent ACIR study reported SPA directors estimate that the total elapsed time, from development of the application to receipt of funds was 22.5 weeks. Yet, it takes several months to develop proposals. For example, the Bexar Metropolitan Criminal Justice Council in Texas put out the first call for proposals, for inclusion in the 1976 plan, in March, 1975. Several months of hearings and review were required to allow adequate public notification and for consideration by subcommittees and the executive committee of the Council. The plan was due at the state planning agency on June 30. Not until October, after submission of the state plan and approval by LEAA, did the local region get notification of a tentative budget for the 1976 projects. Applications were then submitted. The first grants were funded in December, but some were not funded until March 1976, a full year after local agencies were first asked to submit proposals.

In Dade County, Florida, the planning unit receives an average of 150 new concept papers each year and narrows these down to about 40 for submission with the regional plan. Not until the state plan is approved are grant applications for new and continuation grants processed. Red tape snarls the fund-flow, and local planning unit credibility suffers if the SPA staff changes their minds and doesn't fund the grant after approving the proposal.

Congress responded to this delay in funding by cutting appropriations. Letting the pipeline run dry by cutting off the supply at the tap is not the answer to the fund-flow problem. The answer is speedier processing by allowing local planning units to fund applications from block grants once local plans are approved.

APPENDIX A: FIVE REGIONAL PLANNING UNITS

MINNESOTA

Hennepin County Criminal Justice Council—

Legal Authority: Resolution adopted by Hennepin County Board of Commissioners.

Staff: 7 full-time.

Budget: (1976) $154,000 (Part C Grant).

Functions: Prepare annual county-wide plan, review all project proposals, participate in special committees and task forces (local, regional, and state).

Population of Area Served: 960,080 (1970).

Nature of Area Served: Big-city surrounded by populous suburbs, and small rural towns.

The Hennepin County Criminal Justice Council evolved in response to the demands of local government. A multi-county regional planning unit originally reviewed grant applications from Hennepin County and Minneapolis (and six other counties). But local agencies in Hennepin County still needed help planning and coordinating criminal-justice programs.

The Hennepin County Criminal Justice Council was established in 1973 to meet those needs. But neither the role of the multi-county regional planning unit nor that of the Council was well-defined.

A task force surveyed local government officials, criminal-justice professionals, and directors of public and private agencies to determine what form they thought the new Council should take. A permanent, single-county coordinating council won 73 per cent of the votes cast. And although 84 per cent of the respondents agreed the Council should continue to serve as a conduit for LEAA funds, a majority—74 per cent—thought the Council should exercise broader responsibilities. For example, 45 per cent of the people asked said the Council should keep local governments up-to-date with the latest thinking in criminal justice, and the same percentage said the Council should collect and analyze data, and help develop criminal-justice policy.

These recommendations will be used to define a permanent Council for Hennepin County and to obtain an agreement with the twin cities council and the state planning agency.

Programs

The Council's 1976 plan addresses local needs in four areas:

1. Juvenile justice—evaluation of existing programs and facilities, alternative education programs, family training and counseling, group and shelter homes;
2. Law enforcement—police-community coordination, improved information system;
3. Courts—efficient information system and management, alternative treatment for indigent suspects, training programs for court personnel;
4. Corrections—comprehensive evaluation, minimum personnel standards, training for workers in community programs, alternatives for drug abusers, first-time and minor offenders, and women prisoners.

How the county feels about its new council

Tom Olsen, Hennepin County commissioner, endorses Council with expanded responsibilities. "It's the only feasible organization for criminal-justice planning and coordinating," he says, "and serves as a long-range planning arm of the county for criminal-justice activities and services."

CALIFORNIA

Alameda Regional Criminal Justice Planning Board—

Legal Authority: Joint powers agreement.

Staff: 20: 14 on basic planning grant, 6 on evaluation grant.

Staff Budget: (1975) $395,902 ($264,681 planning, $131,221 research, 4 per cent action grants).

Project Budget: $2.5 million annual allocation, $3.5 million project total.

Functions: Prepare annual regional plan, review all project proposals, monitor projects, conduct basic evaluation of all projects and intensive evaluation of selected projects, report results of research and prepare planning documents.

Population of Area Served: 1,073,184.

Nature of Area Served: Four large cities, populous suburbs.

Alameda County taxpayers paid $46 million for criminal justice in 1975. The total criminal-justice budget was somewhat over $55 million. This is the single largest expenditure of local revenue for public services in the Alameda County budget.

Innovative programs

Alameda County, with its four big cities and numerous suburbs, needs comprehensive, efficient criminal-justice agencies. The Board is organized to provide criminal-justice agencies with the assistance they need to be comprehensive and efficient. Besides funding 45 projects, the Board conducts studies on, e.g., a regional training program for Alameda and Contra Costa Counties, a single dispatch system for the county, and a central criminal-records file.

Citizen involvement

The Board achieves community participation through its board of directors: 10 community representatives (compared with 9 criminal-justice agency representatives).

Evaluation

Alameda County supervisors wanted to know what happened to projects the Board funded. They needed to know something about how well they were working before they assumed responsibility for supporting them. In 1972, the Board created research and evaluation units by setting aside four per cent of their LEAA action funds. The units answered long-felt needs.

From July, 1973, to June 1974, the Board produced 60 evaluation reports. Alameda County negotiated with the Board to evaluate nine projects funded with general revenue-sharing money. The probation department asked the board to evaluate its $1 million Treatment Alternatives to Street Crime (TASC) project. A preliminary evaluation report on the TASC program prompted the probation department to change some of its procedures, and try some suggested treatment alternatives.

All projects that completed their federal funding period with positive evaluations are now supported by Alameda County.

How the county feels about the regional planning unit

Alameda County recognizes the Board's usefulness, and helps keep it working at capacity; county revenue-sharing funds now support part of the research and evaluation units, and county manpower dollars pay for additional staff.

SOUTH DAKOTA

South Eastern Criminal Justice Commission—
Legal Authority: Council of Governments.
Staff: 2 full-time, one half-time secretary.
Staff Budget: $40,000 (Part B funds).
Project Budget: (1975) $112,067, including $38,000 miniblock-grant.
Functions: Conduct criminal-justice planning, review grant applications, deliver technical assistance, administer grants, monitor projects, coordinate area criminal-justice activities.
Population of Area Served: 147,000.
Nature of Area Served: 5 rural counties and one urban county (containing Sioux Falls, population 72,000).

This regional planning unit serves six counties. To assure that its planning and programs are appropriate to this far-flung area, the Commission meets regularly with a diversified board of directors that includes representatives from: law enforcement agencies, courts, corrections, citizens—one juvenile and one adult—minority groups, religious and social-service organizations, educators, and delinquency-prevention organizations.

The state planning agency decided to include three representatives from each regional planning unit in meetings on the state comprehensive plan. The South Eastern Criminal Justice Commission extends the benefits of its diverse board to the state agency by sending three different representatives to each meeting.

Innovative programs

Spreading thin resources over 3,433 square miles is the counties' most urgent criminal-justice problem. The Commission conducted feasibility studies on solutions. One of these studies advised consolidating law enforcement under the sheriff and creating one county-wide police force. This study convinced McCook County and its municipalities: in January, 1974, city and town police officers became part of one department under the McCook County sheriff.

The Commission also worked with the state planning agency, campaigning for block grants to the six planning units, rather than project-by-project funding. In 1972, the state agreed to experiment with mini-block grants for equipment and renovation. The Commission now receives an annual mini-block grant. Consulting with its local government, the Commission decides how to spend it. Minnehaha County received money, for example, to build a new public-safety building. The building holds a regional jail and emergency operations center.

How counties feel about their regional planning unit

Warren Day, chairman of the Commission's board of directors and Minnehaha County commissioner, likes the new flexibility of regional criminal-justice planning. He has seen relationships develop between local governments in his tenure on the board, and feels they can cooperate to serve their common interests. He is close enough to the Commission's office to drop in for a cup of coffee and discuss local affairs. The Commission keeps in touch with the other five counties by rotating its meetings, and sending planning staff to county board meetings.

CALIFORNIA

Orange County Criminal Justice Council—
Legal Authority: Common resolution, signed by participating jurisdictions.
Staff: 11 full-time, 2 to 4 part-time.

Staff Budget: (1975) $275,000 (Part B & C funds).
Project Budget: $3,382,500 (including state buy-in and reallocations from fiscal '73 and '74).
Functions: Prepare annual plan, review all project proposals to determine if they should be evaluated, contract for independent evaluation services, review county criminal-justice budget with chief county administrative officer.
Population of Area Served: 1,420,386.
Nature of Area Served: Populous suburban: 85 percent of populace lives in cities, but no city contains more than 200,000 residents.
Orange County pays 90 percent of its criminal-justice bills from its own revenue sources. The Orange County Criminal Justice Council, a single-county regional planning unit, reviews the entire budget for criminal justice at the request of the Orange County administrative officer. Orange County supplies fiscal, purchasing, and personnel services to the Council. The Council is firmly established as a necessary part of local government, not as an LEAA entity. If the federal agency cut off funds, county officials told NACo in a study of regional planning units last year, the staff might be reduced, but the Council would be continued with county money.

Innovative Programs

The Council helped Orange County plan and install a paralegal Emergency Response Team. The team intervenes in situations police are often asked to handle, such as domestic quarrels. One of the county's most urgent criminal-justice problems is inadequate response to the youthful offender. The Council and county are working with community groups to find better ways to deal with youth crime and delinquency. For example, a new juvenile detention center had been planned, but when the Council brought the mental health department, probation, social-service providers, police and chief judge of superior court together to discuss it, they all agreed to set the plan aside in favor of group homes and shelter-care facilities. Last year, 30 projects were proposed to deal with youth and family needs.

Citizen Involvement

The Council wants more citizens to involve themselves in criminal-justice programs. The Community Crime Prevention Mobile Unit, for example, brings information on preventing crimes to the citizenry, and encourages crime-prevention activities. The Professional Athlete Program matches sports stars with kids who need adults to talk to. This year, the Council expects more citizen involvement in expanded crime-prevention programs.

Evaluation

The Council employs an evaluation coordinator who reviews criminal-justice projects and arranges for independent assessment of their effectiveness.

How the county feels about the regional planning unit

Two county supervisors sit on the Council's board of directors. They agree the Council's work strengthens county criminal-justice policy and comment favorably on the relationship. One feels the Board should include more local elected officials.

OHIO

Toledo/Lucas County Criminal Justice Regional Planning Unit—
Legal Authority: Joint-powers agreement.
Staff: 9.
Staff Budget: $160,000.
Project Budget: $1.5 million.
Functions: Prepare comprehensive plan, review and approve proposals, operate central programs, monitor and evaluate projects, provide grant-management and accounting services.
Population of Area Served: 484,370 (1970).
Nature of Area Served: Big-city surrounded by populous suburbs, some small municipalities.
Lucas County, Ohio spends $6 million a year on criminal-justice: 10.5 percent for police protection, 48 percent for judicial services, 6.6 percent for prosecution and indigent defense, and 35 per cent for corrections. The City of Toledo spends $12.5 million a year on criminal justice—almost entirely for police protection (86 percent). The Toledo/Lucas County Criminal Justice Regional Planning Unit, formed in 1972, works closely with the mayor of Toledo and Lucas County Board of Commissioners to develop local programs.

Innovative programs

The regional planning unit helps its local governments and interested community groups develop programs to bring offenders back into the community. The planning unit helps design and evaluate programs to divert youthful offenders from court and detention, keep them at home in the community, and direct attention to their special needs. For example, the Regional Youth Services Bureau coordinates volunteer counselors, drug abuse intervention, crisis housing, and other services for youth.

The Toledo/Lucas County regional planning unit operates a Metro Drug Unit that unifies officers for several police departments into a multi-jurisdictional force. The Metro Drug Unit also distributes information on drugs and drug abuse. The planning unit set up a regional criminal-justice information system, and a criminal-justice training and education center. The center contains a library, training film collection, and video-tape studio. The center's staff help local criminal-justice agencies determine and meet their training needs. The center and Regional Youth Services Bureau are working out a criminal-justice education program for the schools.

Citizen involvement

The Toledo/Lucas County regional planning unit stimulates community interest and participation. It conducts community meetings, holds an annual community conference, and issues a monthly criminal-justice newsletter.

The regional planning unit recently held a 40-hour "Community-Wide Conference on Everybody's Justice" to bring its programs to the public's attention, and hear what the public had to say about them. The criminal-justice training and education center held a lunch-hour session on rape for working women last year.

How the county feels about the regional planning unit

Jim Holzemer, Lucas County commissioner and member of the regional planning unit executive committee, commends the regional planning unit's ability to supply data and get programs started. He attends meetings called by the regional planning unit to make sure new programs are not started that the county's budget cannot finance. He feels the regional planning unit helps coordinate city and county. For example, a recent comparison of cost and cost-savings helped local elected officials decide if the municipal lock-up should be closed, and the new county jail used instead.

NACo concluded in a 1975 study that the "Toledo/Lucas County Regional Planning Unit represents a mature city-county planning unit for criminal justice that has won the confidence of local elected officials."

Appendix B: Legislative Overview—From the County Perspective

Two threads run through the weave of LEAA's history—the changing expectations of what it can achieve and the evolution of the block-grant program. When Congress passed this legislation it placed heavy emphasis on law enforcement in response to urban violence. As time has passed, Congress broadened LEAA's mission to include improving the criminal-justice system.

The LEAA program initiated the block-grant funding approach and gave the states substantial discretion in doling out the dollars. Congress has increasingly added stipulations on how this money can be spent. One requirement directs states to make planning dollars available to large cities and counties. The urban counties and municipalities have planning capability now, but Congress has not given them the power to act on their plans. Instead, the states are still allowed to overturn planning decisions made by local governments—who actually pay for the criminal-justice system.

THE LAW ENFORCEMENT FOCUS

The Omnibus Crime Control and Safe Streets Act of 1968 was debated and passed in a tense atmosphere amid demands that something be done about urban riots and rising crime. The House of Representatives considered the Administration's proposals in the wake of riots in Detroit. The Senate Judiciary Committee debated the issues shortly after rioting hit the District of Columbia and while troops still patrolled the streets. Final action on the House-Senate Conference Report came less than two weeks after the assassination of Robert F. Kennedy.

The first and most critical concern of Congress in those tense days was to stop urban violence and organized crime. They were perceived by some to threaten the survival of the nation.

The final version of the Act was clearly a law enforcement measure. Section 301 (b) states the purposes for which Part "C" money could be spent. Seven uses are listed—all of them police related! The Act also said the federal treasury would pick up 75 percent of the tab for riot control programs and offensives against organized crime. All other criminal-justice programs would get only 60 percent federal funding and construction of new facilities would get 50 percent.

The new legislation also created state criminal-justice planning agencies and directed them to give special emphasis, ". . . to programs and projects dealing with the prevention, detection and control of organized crime and of riots and other violent civil disorders." (Section 307 a). The Administration was also authorized to make immediate grants for these purposes without waiting for the development of state plans. It was not until 1973 that the focus of the legislation was formally broadened to "law enforcement and criminal justice."

The original LEAA legislation was part of a large omnibus bill. The Act also modified the impact of the Miranda decision on the federal courts (Title II). It established the right of the Attorney General to seek warrants which would allow federal wiretaps (Title III) for the investigation of certain federal offenses. Finally, Title IV of the Act was intended to control the interstate and foreign importation of firearms.

This legislation, backed up by the Vice President's Commission study and substantial Congressional scrutiny, was very much a product of its time. The underlying assumption was that more police and more criminal-justice resources would reduce crime. The passage of time revealed two important points. The first is that our criminal-justice system is in a severe state of disorganization. It is clear that ancient overcrowded jails, centuries-old court practices, understaffed prosecutors' offices, and ill-equipped and under-trained police officers are endemic. System improvement, then, became a critical concern of the emerging state and local criminal-justice planning system.

Congress soon recognized this fact and began broadening the scope of the legislation. Section 301 and 303a list the purposes to which Part "C" money can be used and issues which must be addressed in state plans. Both sections have been changed substantially since 1968. Part "E", focusing on corrections was added. Finally, in 1973 the language of the Act was broadened from "Law Enforcement" to "Law Enforcement and Criminal Justice."

Secondly, our knowledge of the criminal-justice system is greatly increased. Expectations that the relatively small infusion of federal dollars would dramatically reduce crime have proved wrong. But, the money expended by LEAA has not been wasted. LEAA's existence promoted revolutionary changes in the criminal-justice system. However, these changes alone cannot reduce crime in the face of growing social problems and the severe economic depression.

When LEAA began there was no clear understanding of how much crime actually was committed. The FBI's Uniform Crime Report lists only crimes reported to participating police departments. LEAA's victimization studies show that most crime is unreported. We still have no indication whether actual crime is increasing or decreasing.

The number of reported crimes is rising, but it is unclear why .Police departments are improving their data-collection procedures. More people may be reporting crimes or crime may actually be increasing.

It is difficult to evaluate LEAA with so much still unknown. The needs are vast—and critical. System improvements must be made to keep the whole thing from collapsing.

THE BLOCK-GRANT APPROACH

The second major thread in LEAA's history is the question of how to dole out the dollars. The Johnson Administration proposed direct grants to local governments for law enforcement. Congress, however, modified the plan to give grants to states instead of local governments.

By giving states the funds, Congress directed a unit of government—which usually neither funds nor administers the bulk of the criminal-justice system—to implement plans. Local government spends about 70 percent of the national criminal-justice dollar.

Except for Section 303(3) which required state plans to "adequately take into account the needs and requests of the units of general local government in the state. . ." and the Part "B" and "C" pass-through formulas, the legislation ignored local governments' role in funding and administering the system.

By 1971, however, it was clear that funds were not reaching the large urban counties and cities in proportion to their needs. Congress required states to provide for the ". . . allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity." Congress also added provisions to allow cities and counties over 250,000 to develop coordinating councils to improve planning and coordination of law enforcement activities, and entitled them to planning funds so they could ". . . develop comprehensive plans and coordinate functions at the local level."

Congress' action accelerated an emerging trend—the development of planning agencies in urban areas. These were almost always city-county units. In some cases coordinating councils or metropolitan planning units were formed under multi-county umbrellas with the umbrella agency serving only a coordination function. In other areas the urban city and county simply withdrew from the state imposed regional agency.

In 1973, urban counties and municipalities got further recognition. The Kennedy Amendment permitted urban government to submit a comprehensive series of project grants, compatible with the state plan, to the state for block funding. Part "B" was also amended to require regional planning agency boards to have a majority of local elected officials. While the language of the Act is straightforward and reasonable, when applied to the complexity of criminal-justice agencies within state and local governments, simple intentions turn into complex instructions. Over a thousand pages of LEAA guidelines have been written to clarify the intent of Congress to little avail. More guidelines at the state level and hundreds of pages of legal opinions only add to the clamor of directives imposed upon local governments.

These amendments have helped local governments participate in the program. Since 1970 most of the major cities and counties have developed coordinating councils. They have emerged as institutions of local governments. Each is a composite of the thinking in that county and each has a different philosophy and set of priorities for dealing with crime.

It is now time for the Congress to amend the Act to complete the process started in 1968 and give local governments block grants through the states.

With the help of the LEAA program, we are at the threshold of achieving real coordination and rational planning never before possible. We are using local planning units to help us make the best use of revenue sharing and other funds. This trend will be halted if Congress takes a step backwards into categorization. Whether the categories are determined by LEAA, the state planning agency or the state chief justice, they ignore the wide differences among localities within a state and those local officials who are accountable for revenue spent on unique problems in their jurisdictions.

We think with the small but vital LEAA contribution to local criminal-justice outlays, we can try out and evaluate new approaches to reach our long standing goals: reduction of crime and efficient administration of justice. We know some approaches that promise success. We must continue to seek approaches that work. The search can go on with the help of an improved LEAA program.

Mr. McCLORY. Thank you very much, Mr. Chairman, for yielding. We have a special treat here this morning in having as one of our witnesses leading this panel: My longtime friend, Phil Elfstrom, who is chairman of the county board of Kane County, which is a prominent part of my 13th Congressional District. I have had the privilege of working frequently with Phil Elfstrom, and I know about his conscientious and dedicated work in behalf of county government, in which we have seen some very tangible results in the application of LEAA grants, may I say, incidentally, and so it is a particular pleasure that I have in welcoming Phil Elfstrom here this morning for this hearing.

Mr. CONYERS. I might also acknowledge that we have a number of our friends here. Valerie Pinson is with us, who works with all of these organizations, our Wayne County commissioner, Ms. Jarrete Simmons, a longtime friend of mine, and of course, Al Montgomery, the director of the Wayne County Criminal Justice Coordinating

Council in Detroit, Mich., friend, neighbor, and adviser. We welcome you all and Mr. Elfstrom, we invite you to begin the discussion that brings you here.

TESTIMONY OF PHILIP ELFSTROM, SUPERVISOR, KANE COUNTY BOARD OF SUPERVISORS, ON BEHALF OF THE NATIONAL ASSOCIATION OF COUNTIES

Mr. ELFSTROM. Thank you.

My name is Phil Elfstrom, and I am here to represent Kane County, Ill. and the National Association of Counties.

This is a summary statement. All three of us here today will be very brief, to leave more time for questions.

In my summary statement, I will explain to the committee the role of counties in the criminal justice system, and why the LEAA program is so important to us. We can function better with LEAA; but LEAA will have no useful impact without the counties.

I would like to indicate to the subcommittee that we are submitting a packet for insertion in the record. The packet contains background material on LEAA; its pros and cons from the county point of view. I hope the subcommittee will carefully review this material. We spent a great deal of time pulling together this information to help the subcommittee understand the problems and frustrations we experience on a daily basis dealing with redtape and bureaucracy at the State level.

Mr. CONYERS. Pardon me, Mr. Elfstrom. I am going to have to yield the Chair to my colleague from California, Mr. Danielson. But could I say this before doing that.

There are eight questions that I am going to ask that we continue to communicate about, even over and beyond the hearing this morning. They are as follows:

One: The redtape or the absolute incredible difficulty that has been created through the promulgations of SPA rules, regulations, et cetera.

Two: The failure of coordination between the State criminal justice objectives and LEAA.

Three: The failure to meet the equal employment opportunity requirements in section 518 of this Act.

Four: The inability of community agencies, the community organizations, and neighborhood associations to get inside of the LEAA system.

Five: A failure of LEAA at all levels to effectively speak to crime reduction.

And finally, we wanted to find out, in summary form, how many major changes you recommend in this existing legislation.

I know that you may not be able, all of you, to treat these points dispostively this morning, but that is what our other communication facilities are here for.

So we invite your continued cooperation.

Mr. ELFSTROM. We will speak to those questions, Mr. Chairman. Thank you.

Mr. DANIELSON [presiding]. You may continue, Mr. Elfstrom.

Mr. ELFSTROM. Thank you.

Counties invest tax dollars in every functional area of criminal justice: Policing, prosecution, indigent defense, courts and corrections. The Bureau of the Census determined in fiscal year 1973 that $8.1 billion in criminal-justice expenditures were financed by counties and municipalities through property taxes, out of a total expenditure of about $13 billion.

Despite very welcome help from revenue sharing, criminal justice is one item in most county budgets almost entirely financed by local revenues—about 90 percent in most urban counties. We receive almost no Federal or State aid for the criminal-justice system, except through the LEAA program.

Let me point out a major aspect of the county role in criminal justice. As you know, counties share a number of responsibilities with anywhere from 6 to 60 municipalities within county boundaries. But cities spend 84 percent of their criminal-justice dollar on police agencies. Counties outspend the cities on courts, corrections, prosecution and indigent defense. In my county, the municipal police can arrest someone in 20 minutes, obligating the county to 4 months of incarceration, prosecution, defense and adjudication for that same individual.

Taken together, counties and municipalities make up a complete criminal-justice system in most States. In fact, 70 percent of all State and local criminal-justice expenditures come out of local government revenue sources. These facts imply two conclusions about the county role in criminal justice:

County governments expend significant amounts of the local taxpayers' money on criminal-justice activities with little or no State aid.

Counties and municipalities jointly share the responsibility for maintaining local criminal-justice programs, facilities and agencies, and together fund the bulk of the entire system.

These conclusions lead to our recommendations for reauthorizing and reworking LEAA. I will cover several of NACo's suggested changes and my colleagues will testify about other aspects of the program.

Bloc grants should be extended through the States to the counties and cities. NACo recommends that Congress adopt badly needed changes in Federal legislation to enable local governments to make system improvements. A provision that would extend bloc grants to local governments is imperative.

In several States that have taken the initiative to do this, the relationship between the State planning agencies and local regional planning bodies has improved.

County officials throughout the country complain to NACo that they follow every policy and adhere to all the guidelines set down by State planning agencies, but their projects are rejected for funding under some unknown, unwritten policy suddenly issuing from a State supervisory board meeting. NACo supports the bloc-grant concept that LEAA is built on, but we feel that it is now time to give regional and local planning units the discretion to plan and fund local criminal justice systems.

Bloc grants should be awarded in formula allocations by the States to the local planning regions, just as formula allocations are now made by LEAA to the States. Since no formula can be written for all the

States that would equitably distribute the funds among local governments, it is important that each State establish its own allocation formula.

To give special attention to urban areas with high population density and crime, NACo recommends that all urban counties with planning capabilities have the option of forming their own planning unit, receiving block grants, and submitting plans directly to the State. My county has a population of 264,000 and has worked with both a multicounty planning region and a single-county crime commission.

For a county my size, I definitely prefer a single-county planning unit. We can develop rapport with the criminal-justice agencies and municipalities and concentrate on improving one criminal-justice system rather than several.

We received about $800,000 in LEAA grants last year, and they are well distributed throughout the system. About 29 percent was used to equip a progressive new jail. Over 14 percent was spent to improve court services. An additional 15 percent went into diagnostic and referral programs for adults awaiting trial, and 9 percent into the public defender program. Municipal police projects received 26 percent. This includes a crime prevention bureau, a tricounty centralized dispatch unit, and a police community relations program. We gave 6 percent to the United Way organization for a youth services bureau.

This allocation of funds fits our needs, goals, and objectives, and I feel confident justifying it to the taxpayers when we take over funding these projects with county money. This was not often the case when we were part of a multicounty region, and not true at all when the State set our priorities for us.

Mr. Chairman, thank you for the opportunity to express the views of county government. I will now defer to my colleague, Mr. Ernie Allen.

Mr. DANIELSON. Thank you very much, and we will proceed immediately to Mr. Allen. That way, we can probably get through before the bell rings.

TESTIMONY OF ERNIE ALLEN, EXECUTIVE DIRECTOR, LOUISVILLE REGIONAL CRIMINAL JUSTICE COMMISSION, JEFFERSON COUNTY, KY., REPRESENTING THE NATIONAL ASSOCIATION OF COUNTIES

Mr. ALLEN. Thank you, Mr. Chairman, Mr. Elfstrom, members of the subcommittee.

My name is Ernie Allen and I am here to represent Jefferson County, Ky., and the National Association of Counties. In my statement, I will try to summarize NACo's position on regional planning units and how they fit into the criminal-justice picture.

When Congress passed the Omnibus Crime Control and Safe Streets Act of 1968, it reasoned that crime was essentially a State and local problem and that with Federal financial assistance, State and local governments could develop methods to reduce crime. It is difficult, then, to understand why the 1976 appropriations for State and local programs were reduced 17 percent at a time when economic difficulties impede local efforts to deal with the rising crime rate.

Money alone is certainly not the answer to crime reduction. Nevertheless, the LEAA program gives counties and cities valuable planning assistance in addition to badly needed funds. With increased planning capability, they can make the best use of existing resources.

Regional planning units and coordinating councils have certainly now come of age. We are in constant touch with local programs, and our boards of Directors are composed of the local officials who can see regional and local plans through to completion. Further, elected executive and legislative county officials on the regional planning boards represent their constituents—the public—rather than one specific agency, such as the courts.

Unfortunately, under the present system, the State planning agency exercises most of the decisionmaking prerogatives, leaving little discretion to local planning units. While NACo advocates State review of local plans, we want to eliminate long funding delays, duplication of effort, bureaucratic redtape and arbitrary State policies.

I would like to interject here that the State of Kentucky was pointed out in a report on the LEAA program by the ACIR as a State where the program works. The reason, according to the Commission, is that the State has now institutionalized planning for LEAA-funded projects within planning for criminal justice in Kentucky. We think that is a very important step. We think local planning units should also be able to take that step.

Crime is an ancient problem, and the LEAA block-grant program is relatively recent. While we search for methods to reduce crime, we will still have to deal with increasing arrests. The bulk of LEAA funds must therefore be spent on system changes that help local officials deal more efficiently and rationally with those who come in contact with the local criminal-justice system.

New programs must be evaluated. Despite the 1973 congressional mandate for more planning and evaluation, part B funding for planning has not grown significantly—too slowly for counties to develop the comprehensive data systems they need to conduct more planning and evaluation. For example, LEAA requires a substantial increase in the data base state planning agencies use to write this 1977 comprehensive plans. These include crime trends, crime intensity, and detailed crime-rate analysis.

Since crime and arrests occur at the local level, counties and municipalities will have to supply the detailed crime-rate analysis of trends in County LEAA requirements. This will be expensive and difficult without increased Federal resources.

To assist regional planning units and coordinating councils, NACo recommends that Congress remove LEAA's sanctions against using part C block-grant moneys for planning. We also recommend that Congress authorize regional planning units and coordinating councils to add a reasonable figure to grants funded through their agency to pay for evaluation and monitoring.

NACo recommends a change in the part B planning money pass-through formula to give local units a minimum of 50 percent rather than that 40 percent out of the State's LEAA planning-fund allocation. Since State and local governments share crime control, and local governments fund most of the system, planning funds should be more equitably distributed.

NACo opposes categorization of the act. We recommend repeal of part E for corrections. Funds now allocated to part E should be folded into the part C block grant to go to State and local governments. A pass-through formula commensurate with local expenditures could then be used to distribute these funds.

NACo recently analyzed part E funds going to State and local governments, and we found that only 23 percent of the funds were awarded to counties, despite the major responsibility we have for corrections. State governments kept 71 percent, principally for State institutions.

LEAA will show better results if metropolitan and regional planning units can pull all the pieces of the criminal-justice system together at the local level, where they are administered, without being second-guessed by a State or Federal bureaucrat.

And it is now my pleasure to defer to my colleague from Wayne County, Mich., Commissioner Jarrete Simmons.

Mr. DANIELSON. Thank you.

Will you please proceed, Ms. Simmons, We are making good time.

Ms. SIMMONS. Thank you. I would like to introduce for the record a resolution from the Detroit-Wayne County Criminal Justice System Coordinatign Council supporting the NACo position. It states two points that are of great interest to Detroit and Wayne County.

Mr. DANIELSON. Will you hand it to the clerk and without objection it will be included in the record at this point.

[The material referred to follows:]

DETROIT-WAYNE COUNTY CRIMINAL JUSTICE SYSTEM COORDINATING COUNCIL

RESOLUTION REGARDING CONTINUATION OF THE LEAA PROGRAM AND PROPOSED FISCAL YEAR 1977 LEAA APPROPRIATIONS

Whereas, the Detroit-Wayne County Criminal Justice System Coordinating Council at its meeting on February 26, 1976 considered legislation regarding LEAA pending before Congress and

Whereas, the Coordinating Council was established to carryout the local planning, establish priorities for funding and administer the Law Enforcement Assistance Administration Program for Detroit and Wayne County. The following expresses the Council concerns:

(1) The Coordinating Council supports changes in the LEAA Program to provide for City-County high crime area planning with the roles of the State Agency and local Coordinating Council clearly defined. The process of local planning must be strengthened and priority-setting must be improved in order to adequately allocate funds to high crime areas.

The Coordinating Council planning should be a joint effort of local Units of Government—Cities and Townships with Counties—with State Government. Such improvements in this process should reduce the "red tape" and bureaucratic practices that steal valuable time from the primary mission mandated by Congress of crime control and improving the Criminal Justice System.

(2) The Coordinating Council like the State Agency is greatly concerned about the ability to re-program or re-cycle unused LEAA funds between fiscal years so that the funds may be utilized in the way Congress intended. Since 25% of the funds awarded each year within the State of Michigan have to be re-programmed, it is essential that the State Agencies have the ability to carry out this activity which we believe is within the intent of Congress when it created a Block Grant Funding Program for States, We are opposed to legislation or administrative guidelines which would revert funds back to LEAA which were originally awarded from the 85% dedicated to Local Units of Government through the States. Since this issue is of paramount importance to Detroit and Wayne County as well as the State of Michigan, we recommend that Congress direct LEAA to rescind its administrative guidelines which are in conflict to the Congressional intent.

(3) The Coordinating Council is opposed to any amendments to the LEAA Act which earmarks funds for exact purposes like Juvenile, Corrections, Courts or Professional Development. This practice is counter-productive to the process of comprehensive planning and local priority setting. Effective planning cannot be conducted when there is no flexibility for the local Unit of Government to determine their needs and priorities. Earmarking in effect establishes the priorities. We would further note that in our record of accomplishments since 1968 the Coordinating Council has allocated funds in excess of any suggested earmarking (e.g. Juvenile, 21.6%; Corrections, 20.9%; and proposed '77 Court allocation of 31%). Other restrictions like on personnel costs, we also oppose.

(4) The Council is disappointed in the proposed 1977 LEAA Budget with a 12.6% reduction from '76 funding levels. This reduction combined with the FY '76 reduction would reduce the amount of funds available to the Coordinating Council by 21% over the last two years. The reduction to the Detroit and Wayne County is increased further by the earmarking of $50 million for special High Crime Area Discretionary Grant Program under the direction of LEAA. This amount of funds would normally be automatically divided between the States by population and is further passed through to the Coordinating Council by population and crime rate formula in Michigan. This method of funding provides a stable basis upon which the Council can do its planning while the special High Crime Area Discretionary Program does not provide a guarantee or assurances that local priorities will be funded. The Council, therefore, opposes the $50 million High Crime Area Discretionary allocation as it is now proposed.

(5) The Council is concerned with the proposed reduction in the Juvenile Justice and Delinquency Prevention funds and the Law Enforcement Education Program (LEEP). We support these Programs but not at the expense of the amount of Block Grant Action or Planning funds to be allocated for local governments.

Therefore be it

Resolved, That the Detroit-Wayne County Criminal Justice System Coordinating Council expresses its concern that at a time when the LEAA Program is beginning to bear some benefits, this is not the time to reduce LEAA but to continue LEAA for an additional three years.

Resolved, That this Resolution be conveyed to the Congress, to LEAA, to the Governor of Michigan and to all those engaged in the administration of the LEAA Program.

TESTIMONY OF JARRETE SIMMONS, CHAIRMAN, WAYNE COUNTY, MICH., BOARD OF COMMISSIONS

Mr. DANIELSON. Just quickly, to epitomize, the two points are more money and less restrictions, right?

Ms. SIMMONS. No, we'd like to recycle unused LEAA funds.

Mr. DANIELSON. In other words, if we did not spend it last year, let us spend it this year. Right?

Ms. SIMMONS. Not quite.

Mr. DANIELSON. Would you epitomize it quickly?

Mr. MONTGOMERY. What it amounts to is that Michigan is the only State in the country that followed the mandate of Congress and got the money moving.

As a result, we lose each year one-quarter of our money, or about $1 out of $4, under the approach that LEAA takes, unless we can reprogram it. We have already spent our 1976 money. We are dry right now until the 1977 appropriation.

Other States are still spending 1974 and 1975 money. The trouble with Michigan is that we are able to move our money as we complete projects, and get final audits done. We get 3 years' eligibility on new projects that we have started. And LEAA has said we can no longer do that. The result will cost us 25 percent of our money. We believe this is in conflict with the congressional intent.

Mr. DANIELSON. We will look into it. You mean you have some 1975 money left over, but you have spent the 1976 money. Is that the idea?

Mr. MONTGOMERY. Yes and we are trying to use up the 1975 money, before 1976, so we can start new projects.

Mr. DANIELSON. We have your point and we appreciate it. Thank you very much.

Mr. ASHBROOK. Can I ask—how do you spend 1976 and still have 1975 money?

Mr. MONTGOMERY. Well, as you complete a final audit you are budgeting for an estimated cost. Once you have a final audit completed, you know what your true costs are, and based on an estimate, you now have true figures. You can free up your unused 1975 money by moving it up to fund a 1976 project named in the State plan. It allows us to use 100 percent of the State block-grant funds in Michigan. Our State is concerned. We are the only State in this position, and that is why the SPA directors are not presenting this issue. That is why we feel alone, and that we should draw it to your attention.

Mr. ASHBROOK. Well, I kind of got the impression you wanted to be rewarded for spending your money faster than 100 percent, and I did not figure out how that worked out.

Mr. MONTGOMERY. Well, LEAA would have us return it to them for their priorities, and we are trying to say our priorities should be funded with our money. We do not want to spend our money helter-skelter. We would like to do it in a systematic way.

Mr. ASHBROOK. It is February, and you say you have spent all your 1976 money as of now?

Mr. MONTGOMERY. Yes, that is the point. We are waiting for 1977 money to start new projects.

Mr. DANIELSON. Thank you very much. And we will give it the fullest consideration.

Ms. Simmons, continue.

Ms. SIMMONS. Thank you, Mr. Chairman.

My name is Jarrete Simmons. I am a commissioner from Wayne County, Mich.

And to elaborate on a point that Mr. Allen made, NACo agrees high-crime areas deserve special attention. However, the best decision on how to reduce the crime rate is made at the local level.

We oppose providing a special category of funds for high-crime areas. We recommend that these areas be funded according to an equitable formula set by each State for the entire State.

Since defining a high-crime rate is a difficult task, and since crime displacement to the suburbs is a fact in many metropolitan areas, we cannot recommend a special category in the act for high crime rate areas, which have been defined in the past as cities. This ignores the county/city responsibility for the criminal-justice system.

A special high-crime rate category would complicate an already confusing program with new sets of guidelines, assumptions of cost requirements, and so forth. All funds to localities should be included in the part C category and distributed by a formula with simplified, clearly stated guidelines.

Michigan has that, Ohio has that, and California already has that. Michigan's guidelines are based on population and crime.

We think the idea of dispatching funds to State and local governments for systematic improvement of the criminal justice system is essentially sound. The most efficient dispatching of these funds is the block grant. But critics of the LEAA program think improvements can be achieved by narrowing block grants into categorical grants and shackling grant recipients to the critics' pet notions of crime control and social theory. We think otherwise.

The block-grant system itself can be made more efficient by giving an uncategorized package of money to regional planning units or coordinating councils. Municipalities and counties meet in regional planning units and coordinating councils to plan for the criminal-justice system.

With the small but vital LEAA contribution to local criminal-justice outlays, we can try out and evaluate new approaches to our long-standing goals: Reduction of crime and efficient administration of justice. We know some approaches that promise success. We must continue to seek approaches that work. The search can go on with the help of an improved LEAA program.

The Detroit-Wayne County Criminal Justice Coordinating Council, of which I am a member, has received $50 million from LEAA and funded 400 projects in its 5-year history. The coordinating council has a majority—59 percent—of generally elected officials. It is cochaired by the mayor of the city of Detroit and the chairman of the county board of commissioners.

I might point out also that of the coordinating council, 21 percent are female and 48 percent are minorities (including black elected officials).

The coordinating council receives one-third of Michigan's LEAA funds. It has allocated more than 20 percent of its funds for juvenile programs this year and allocated 31 percent of its funds for court improvements.

We are greatly concerned with strengthening the role of large urban counties and municipalities within the State. While our relationship with the State planning agency is good, we feel we should have more discretion in determining priorities for Wayne County and Detroit. We have the responsibility, and we should have the power to make decisions.

The low funding level for the juvenile-justice part of the LEAA program is ridiculous. Michigan's allocation of $1.2 million has been reduced to $520,000 for fiscal year 1976. Compare that amazingly low figure to the $1.8 million the coordinating council spent on juvenile programs out of our grant allocation. We strongly urge the Congress to supply us with the funds to carry out the purpose of the act.

I would like to summarize NACo's position concisely for the record, then all three of us would be happy to answer questions the subcommittee may have.

In summary, NACo urges Congress to:

One, reauthorize the LEAA program for 5 years, with suggested improvements.

Two, require States to provide block-grant allocations of planning and action money to sub-State regional planning units.

Three, give urban counties, together with their municipalities, the option to receive a formula allocation from the State, enabling them to plan, allocate funds, and implement programs for all of the local agencies constituting their criminal-justice system.

Four, increase the passthrough portion of part B planning funds from 40 to 50 percent.

Five, require a majority of local elected officials on State and regional planning boards. A majority of the local elected officials on supervisory boards of State planning agencies should be legislative and executive officials. A majority of all members on regional boards should be locally elected legislative and executive officials.

Six, reduce or repeal categorical sections of the act, such as part "E" for corrections, and allocate these moneys to part "C" block grants. We also ask Congress to increase the block-grant portion of part "C" from 85 to 90 percent, and reduce the discretionary portion from 15 to 10 percent.

Mr. Chairman, on behalf of the National Association of Counties and my fellow panelists, I appreciate the opportunity to testify before your subcommittee on this important subject. Counties want to improve the criminal-justice system to make it more efficient and fair for all our citizens.

Mr. DANIELSON. Thank you, Ms. Simmons.

I am going to inquire generally of this panel. Attached to your statement is a resolution relative to county expenditures, constituting 24 percent of criminal-justice expenditure together with a resolution adopted by the National Criminal Justice and Public Safety Steering on May 2, 1975. St. Louis, Mo., together with a proposed amendment to the Omnibus Crime Control Act of 1973 from the National Crime and Public Safety Steering Committee meeting, May 2, 1975, in St. Louis, Mo.

Is it the wish of the three representatives of counties that the documents I just named be included in the record in support of your statements?

Ms. SIMMONS. Yes.

Mr. ALLEN. Yes.

Mr. DANIELSON. If it is, and if there is no objection, they will so be included.

[The material referred to precedes the testimony.]

Mr. DANIELSON. I yield to my distinguished colleague, Mr. McClory of Illinois, and I am going to state that I will be very quiet. We will adjourn if and when the second bell rings, when the quorum is over.

Mr. MCCLORY. Thank you, Mr. Chairman. I have been impressed by the testimony of all of the witnesses here, and there seems to be sort of an emphasis on the regionalization of programs, and what I am concerned about is the development of a new layer of government which would intervene between the State planning agency and the county, or the local unit of government, which would be this regional agency and I would like to hear a little bit about that.

I have observed some very beneficial plans and we had the reversed one here just recently, now is Illinois. We had a criminal identification and detection agency which was developed before LEAA even came into existence, and with the mandate of regionalization, why they want to replace this old effective agency that has been serving 20 or 30 municipalities effectively with—would one of you like to comment on that? How heavy are you on this emphasis on regionalization?

Mr. ELFSTROM. I will answer that, Mr. McClory.

Basically, we think the county and the cities within the county, if they are big enough to be effective planning units, should be a region by themselves. In other words, we feel that Lee County, Kane County, Page County should be regional planning units by themselves.

Now we recognize when we consider—in our State—southern Illinois—counties with populations of 5,000 people, next to counties with 7,000 and 12,000 that these counties should combine in order to be large enough to carry out effective criminal-justice planning.

Mr. McCLORY. Now, we in Kane County got the advantage of some of the lapsed funds and I think these were the same funds that the other gentleman was talking about, in that we, because of the funds being available and our needing them, we were able to get them and complete this correctional center.

Mr. ELFSTROM. Correct, but we received ours from LEAA. Michigan works a little bit differently. The State allocates to counties or regional planning units (and I might point out that Wayne County is a regional unit by itself as we suggest for many other large urban counties) "X" amount of money. The local governments of Wayne County, for example, can have a say in how that money is distributed. In other words, the State has said, we get so much money, and so much of it will be allocated to Wayne County and so much to Ingham County, and so forth.

This really makes the system work. We hope you write this into legislation for all States. Illinois does not practice it.

Mr. McCLORY. The discretionary funds, it seems to me, are utilized—I do not have any statistics but I have seemed to, I believe that the discretionary funds are frequently allocated to the larger areas, the more populous areas, and why would you want to reduce the discretionary funds from 15 to 10 percent when it would enable these special areas, where we have the greatest need to get the advantage of the discretionary funds.

Mr. ALLEN. Mr. Chairman, I think one of the concerns about the discretionary fund as it exists now is that there is no provision for uniform distribution, even to major communities in the high-crime areas. It has not been something all of us have been able to utilize to optimum effect. I believe the concern is that local governments and that local planning units representing local officials begin to have greater say in setting priorities, not a blank check.

The issue is not really dollars. The issue is being able to address those matters, those high-priority matters that are problems perhaps in Louisville and Jefferson County that may not be in Detroit, Wayne County. By reducing the size of the discretionary pool, you would increase the size of the block grant. With the kind of formula allocation provision that we are talking about, local governments could then significantly affect their particular local crime problems.

Mr. ELFSTROM. The problem with the lack of pass-through in some definitive amount of money in State government is that the State planning agency is then making all the decisions about which projects are going to be funded, hopefully in line with some plan, but what it does is make a mockery out of the local planning agency. Local planning agencies, trying to establish which priorities and which plans are best for their particular area, now pass all grant applications on to the State, hoping that some will be funded. This means that locally,

we are not taking on any of the difficult decisions because we do not know how big that pot of money is, and instead of turning somebody down because his plan is not as good as another, we pass all plans up to the State because we don't know what is going to be funded. And that is why we recommend a definite amount of money for each planning area.

Mr. McCLORY. I am constantly being importuned, though, by local officials who say, well, our State allocation is not sufficient, or our State priority, the way the State planning agency is approving these projects, there are no funds for this juvenile home or this halfway house, or whatever it happens to be, will you not go to the director or administrator of LEAA and see if you cannot get a direct funding of this application?

And it seems to me what you are doing if you cut off that source of funds, you deny the opportunity to serve local officials with regard to special needs that an area might have.

Ms. SIMMONS. I think Detroit-Wayne County is unique in that situation, where we have all of these people on our coordinating council, and we work in conjunction with each other, and if these guidelines are followed as they now are, we are losing money. We have lost about $7 million, in planning funds, have we not?

Mr. MONTGOMERY. Well, I think it really comes down to the initial question of who is setting the priorities. If you mean from the preamble of the bill that local priorities should be addressed, you have to give us the wherewithal.

For example, the LEAA discretionary guide for this year says 14 cities of America will have a major truck-terminal type of project with discretionary money. That was not our priority. Now, that is what the money is for, and not what we need it for.

Mr. McCLORY. Yes, but the priorities we are setting are in relation to a fixed formula, and you are getting a fixed formula of funds, depending upon population and what the total appropriation is, and not on the basis of what the crime need priority is.

Mr. DANIELSON. The gentleman's time has expired.

The gentleman from Ohio, Mr. Ashbrook, is recognized.

Mr. ASHBROOK. Mr. Chairman, thanks.

I would like to ask the three panelists if any of you are receiving at the present time your salary based on LEAA money or any portion thereof.

Mr. ALLEN. I am receiving a portion. My salary is primarily local money but our particular planning unit is funded 75 percent LEAA and 25 percent local.

Mr. ASHBROOK. So you would be here representing 75 percent of your salary——

Mr. ALLEN. No, sir. My office, my salary is primarily local.

Mr. ASHBROOK [continuing]. Asking for continuation of this legislation.

I guess I have to admit I am a little skeptical of all bureaucracies we have spawned as a part of this, the State planning agencies and the regional agencies. Could you give me, Mr. Allen, any specifics of how you have reduced crime in the Louisville area?

Mr. ALLEN. I think that is a very good question. It is a difficult question to respond to.

We have tried to establish priorities which will address crime reduction. We have put a substantial amount of money into the area of crime prevention and target hardening and preparing citizens to help them protect themselves. A national crime-prevention institute——

Mr. ASHBROOK. This has been done for years without the—and would probably be done anyway.

Mr. ALLEN. Well, it was not being done in terms of educating police officers and the establishment of police crime prevention units. We put a good deal of money into school and community-based programs.

Mr. ASHBROOK. I was just digging out some old papers in my area and the police were using electric drills and things to mark television devices, and all these things were being done 10, 15 years ago before LEAA ever came around. I was looking at some the other day, it sounded like it was a brandnew idea, there.

But to get back to specifics, what specifically has been done in the Louisville area to reduce crime, that would not have been done had we not had the State planning administration in the Louisville regional criminal justice administration.

Mr. ALLEN. I think basically the answer to that is that nationally we have not done a very good job of reducing crime, and I think that basically the program has been——

Mr. ASHBROOK. I am talking about—I am talking about through the program.

Mr. ALLEN. Well, I think we have done an excellent job of improving the local criminal justice system, and I think things like the establishment of public defender programs, court administration, alternatives to traditional——

Mr. ASHBROOK. Public defender is defending criminals; well, I am talking about stopping crime.

Mr. ALLEN. Well, what I am saying is that system improvement is what LEAA to this point has accomplished. And I do not know that we can sit here and tell you that we are going to be able to reduce crime. I think our response, though, is that local and State governments need not view the program as manna or as funds for doing things that perhaps we could not otherwise do, but rather as something that will have an effect on the system.

We can develop a planning process that will utilize local resources, get local government involved in thinking in long-range terms. Let me give you a Louisville example. We developed a plan every year that establishes priorities in the Louisville-Jefferson County area. Those priorities may or may not be addressed with funds provided through the LEAA program. Local officials are many times put in the situation of applying for funds because they are available to do things they may or may not want to do. I think our local governments have done a good job of not doing things just because money is available. But I think that if local decisionmaking, if local priorities can be set, and if money can be made available to help us do what we would like to do, but perhaps cannot because of budgetary limitations, then we are going to see actual reductions in crime. Suppose burglary is a problem in Jefferson County. We need a program that both educates citizens and that puts police on the street in concentrated activity, using new techniques.

Mr. ASHBROOK. Well, let me say—and I will just say it to you, but I find your observation a rather long way around saying you are not doing hardly anything to reduce crime—we have had LEAA for 7 years, and now you are saying we need to fight burglary. Well, what have we been doing for 7 years?

I guess I have to say, just as one member, I think too much money goes into too many planning commissions, too many areas of administration, rather than the police force or something more specific because, again, the records show you have not answered my question with anything specific that has been done.

Mr. ALLEN. Well, I think my answer is that nationally we have not reduced crime, but I think we have improved the system of criminal justice.

Mr. ASHBROOK. I just said something specific, what you have done to combat crime in the Louisville area.

Mr. ALLEN. Well, we have had metro narcotics strike forces——

Mr. ASHBROOK. Funded by LEAA?

Mr. DANIELSON. We have a quorum call. Counsel, you had a question.

Gentlemen, you are free to go if you wish, but——

Ms. FREED. Mr. Allen, I am going to want to direct two brief questions to you. One was that you said direct funding of the RPU's will eliminate long funding delays. And I am not quite sure what delays you referred to. Mr. Rodino was sitting here earlier and mentioned that he thought he had eliminated that problem with the 1973 amendment to the act. Do you want to suggest why present legislation does not require the SPA's to respond to your 90-day limit and what problem that is.

Mr. ALLEN. Well, I think there is more to the funding question than the 90-day turnaround. The process is that first local governments develop a plan, a mechanism for addressing crime in whatever the county or group of counties. That plan is submitted to the State planning agencies which, according to the Kennedy amendment as approved in 1973, approve or disapprove them in whole or in part. Then there are layers on top of that. The thing goes to the LEAA regional office and the LEAA national office. There have been schedules in some parts of the country in which the whole planning process from the beginning—and we go through public hearings in Jefferson County——

Mr. DANIELSON. The meeting is adjourned. Thank you.

[Whereupon, at 12:27 p.m., the subcommittee adjourned, subject to the call of the Chair.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

WEDNESDAY, MARCH 3, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10:15 a.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, and Ashbrook.

Also present: Maurice A. Barboza, counsel; Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. The first witness is the Chairman of the Advisory Commission on Intergovernmental Relations, Mr. Robert E. Merriam. The Advisory Commission is a permanent national bipartisan body established by Congress since 1959 to monitor operations of the Federal Government and recommend improvements. There are 26 Commission members, 9 from the Government, 14 from State and local government, and 3 representatives of the general public.

Chairman Merriam has been involved in Federal problems at both the local and national level. He's a former councilman from Chicago, formerly an Assistant Director of the Bureau of the Budget, and is the executive vice president of the Urban Investment and Development Corp. of Chicago.

I welcome you, Chairman Merriam. We anticipate learning a great deal from you about the subject that brings us here today. We will incorporate your prepared testimony, for which we are grateful, into the record at this point and that will allow you to proceed in your own right.

[The prepared statement of Robert E. Merriam follows:]

STATEMENT OF ROBERT E. MERRIAM, CHAIRMAN, ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. Chairman, and Members of the Subcommittee, I am Robert Merriam, Chairman of the Advisory Commission on Intergovernmental Relations. The ACIR is a permanent national bipartisan body established by Congress in 1959 to monitor the operation of the American federal system and recommend improvements. Of the 26 Commission members, nine represent the Federal government, 14 represent the State and local governments, and three represent the general public. A current membership roster is attached to my Statement.

The Commission very much appreciates the opportunity to appear before you today to present our reading of the Safe Streets record and recommendations for amending the Act and improving its implementation. ACIR has a long-standing interest in the Federal government's first major block grant program. In 1970, we

issued a report on "Making the Safe Streets Act Work" which contained an assessment of the early experience under the planning and action grant provisions of the Act. We concluded then that although there had been some gaps in the States' response to the needs of high crime areas, the block grant was "a significant device for achieving greater cooperation and coordination of criminal justice efforts between the States and their political subdivisions." The Commission recommended that the Congress retain the block grant approach and the States make further improvements in their operations under the Act.

Five years later, ACIR staff began taking a second look at the Safe Streets Act as part of a comprehensive study of "The Intergovernmental Grant System: Policies, Processes, and Alternatives." Our interest here is two-fold. First, Safe Streets provides an opportunity to examine the operation of the block grant instrument over a period of some years. This provides the basis for some firmer judgments about the program's strengths and weaknesses and for developing strategies for change. Second, the experience of Federal, State, substate regional, and local agencies in planning and programming under the Safe Streets Act can provide important lessons for policy-makers to use when considering new block grant proposals—such as those made by President Ford in his State of the Union message—or those existing programs in the health, community development, manpower, and social services areas that embody this approach.

From March through November of last year, ACIR staff gathered data on the operation of the Safe Streets program. We were assisted financially in this undertaking by both the Law Enforcement Assistance Administration and the Department of Health, Education and Welfare. In addition to LEAA, we worked with the National Conference of State Criminal Justice Planning Administrators, National League of Cities, National Association of Counties, and others in developing a research methodology, designing questionnaires, and collecting information. Still all discretion over policy determination, research design, and publication format was retained by ACIR as is the case on all Commission research projects whether or not they receive outside funding.

The impact of the Safe Streets Act is difficult to assess. Available data on intergovernmental planning, administrative, and financial transactions are sometimes incomplete, inaccurate, or irrelevant. To help fill these gaps, our staff has employed a variety of methods to obtain a reliable information base. We have made extensive use of LEAA's Grant Management Information System and the States' Planning Grant Applications. We have conducted national questionnaire surveys of all State Planning Agencies, Regional Planning Units, and cities and counties over 10,000 population. And we have taken a first-hand look at the operation of the program in ten States. Each source has its own limitations, stemming from the difficulty in obtaining complete and useful data input. Despite these and other problems normally associated with survey research, our effort has produced a substantial amount of factual and attitudinal information regarding experience under the program which provide a basis for assessment.

At its November 16, 1975 meeting the Commission approved the staff report on Safe Streets experience and adopted ten recommendations for Federal and State action. For our purposes today, I would like to briefly review some basic considerations that need to be kept in mind in evaluating the effects of the Act, the principal findings and conclusions resulting from our research effort, and three major areas of change called for by ACIR.

LEGISLATING AGAINST CRIME: SOME BASIC CONSIDERATIONS

Mr. Chairman, Title I of the Omnibus Crime Control and Safe Streets Act was a bold experiment in intergovernmental relations. Like many of the initiatives taken on the domestic front during the 1960's, the Act embodied an ambitious attempt to tackle a deep-rooted problem of our society.

The launching of a major comprehensive Federal aid program in response to mounting public concern about crime and civil disorders generated high expectations regarding accomplishments. The use of a new instrument to dispense such assistance, the block grant, raised hopes that many of the administrative and policy problems associated with categorical grants could be avoided. In this atmosphere, certain fundamental features of intergovernmental relationships and the State-local criminal justice system were de-emphasized or overlooked at the time of passage and during the early implementation period.

First, the Act underscored the belief that money could make a difference in the fight against crime, largely by improving the capacity of law enforcement and criminal justice agencies to apprehend and process offenders. At the same time,

it was recognized by some observers that the most significant influences on criminal behavior could not be significantly affected by the criminal justice system. These include the family structure, income, educational process, place of residence, and societal attitudes.

Second, the Act was a major element of the "War on Crime" declared by the Johnson Administration and the "law and order" campaign of the Nixon Administration. Politicization of the crime issue by both the executive and legislative branches contributed to an ambitious and somewhat ambiguous Federal role. While the Act declared crime control to be a State and local responsibility, national attention was focused on the Safe Streets Act and the Law Enforcement Assistance Administration as spearheading this effort. Yet, the appropriations level remained at less than five percent of State and local direct expenditures for criminal justice purposes.

Third, the Act stated that a major purpose of Federal financial assistance was to reduce crime by strengthening and upgrading the capacity of law enforcement and criminal justice agencies at the State and local levels. But, it also specified the use of funds for research, development, training, and other purposes not directly related to the day-to-day operations of these agencies.

Fourth, the Act called upon representatives of State and local governments, police departments, judges, prosecutors, corrections and juvenile delinquency officials, and the general public to work together in comprehensive planning, resource allocation, program coordination, and other aspects of Safe Streets implementation. Yet. the fragmented nature of the criminal justice system had been well ingrained and, in many places, conflict between the State government and larger cities and counties had been long-standing. Moreover, prior to 1968 there had been little comprehensive planning in the criminal justice area and few professionals were skilled in this art.

Fifth, the Act relied upon the States to assume major responsibilities under the block grant arrangement as planners, coordinators, innovators, decision-makers, and administrators. On the other hand, spokesmen for the Johnson Administration and many Members of Congress at the time were skeptical about the States' willingness and capacity to effectively perform these roles. This is the concern that has been voiced repeatedly throughout the history of the program.

Finally, the Act attempted to strike a delicate balance between the achievement of national crime reduction and criminal justice system improvement objectives with the enhancement of recipient discretion and flexibility. Yet, Congress initially attached several statutory "strings" to the use of funds, including variable matching, Federal plan approval, and a personnel compensation ceiling. This practice has grown increasingly popular over the years. Furthermore, Congress reserved 15 percent of the annual appropriations for "action" purposes for a discretionary fund to be used by LEAA's Administrator much like a categorical grant.

In light of the foregoing, it is not surprising that sharply contrasting views exist with respect to the basic purpose of the Safe Streets Act, the nature of the block grant instrument, the States' planning and administrative experience, the appropriate LEAA role vis-a-vis SPAs, and the statutory changes necessary to better align expectations with reality.

THE SAFE STREETS RECORD IN BRIEF

ACIR's research concerning the Safe Streets block grant led to the conclusion that after seven years, the program appears to be neither as bad as its critics contend, nor as good as its supporters state. While a mixed record has been registered on a State-to-State basis, the overall results are fairly positive. This is not to say, however, that changes are unnecessary. In brief, the ledger reads as follows:

On the positive side:

(1) Elected chief executive and legislative officials, criminal justice professionals, and the general public have gained greater appreciation of the complexity of the crime problem and of the needs of the different components of the criminal justice system.

(2) A process has been established for coordination of efforts to reduce crime and improve the administration of justice.

(3) Safe Streets funds have supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake.

(4) A generally balanced pattern has evolved in the distribution of Safe Streets funds to jurisdictions having serious crime problems as well as among the functional components of the criminal justice system.

(5) State and local governments have assumed the costs of a substantial number of Safe Streets-initiated activities.

(6) Many elected chief executives and legislators as well as criminal justice officials believe that the Federal Government's role in providing financial assistance through the block grant is appropriate and necessary, and that the availability of Safe Streets dollars, to some degree, has helped curb crime.

On the negative side:

(1) Despite growing recognition that crime needs to be dealt with by a functionally and jurisdictionally integrated criminal justice system, the Safe Streets program has been unable to develop strong ties among its component parts.

(2) Only a handful of SPAs have developed close working relationships with the governor and legislature in Safe Streets planning, policy formulation, budget-making, and program implementation, or have become an integral part of the state-local criminal justice system.

(3) SPAs have devoted the vast majority of their efforts to distributing Safe Streets funds and complying with LEAA procedural requirements.

(4) LEAA has not established meaningful standards or criteria against which to determine and enforce state plan comprehensiveness and SPA effectiveness.

(5) Excessive turnover in the top management level of LEAA and the SPAs has resulted in policy inconsistencies, professional staff instability, and confusion as to program goals.

In summary, Mr. Chairman, the block grant approach of the Safe Streets Act has helped reduce crime and improve the administration of justice in three main ways: stimulation of new activity, much of which was subsequently continued at local government expense; coordination of the functional components of the criminal justice system; and support for upgrading the operations of law enforcement and criminal justice agencies. Much has been accomplished after seven years. Yet, in the Commission's judgment, much more can be done to strike a better balance between achieving national crime reduction objectives and maximizing the flexibility and discretion of state and local governments.

Future directions

With this in mind, ACIR has adopted several recommendations which it would like to call to the Subcommittee's attention. In the interest of time, I would like to focus on those which would: a) reverse the trend of categorizing the block grant and b) increase the authority and capability of LEAA and the States to implement the Act. The full text of the Commission's recommendations is appended to my Statement.

REVERSING THE CATEGORIZATION TREND

The basic thrust of the Commission's decategorization recommendations is to give State and local governments maximum flexibility, within the block grant framework, in determining the appropriate mix of the stimulative, supportive, and system building purposes of Safe Streets assistance. We would do so by urging Congress to remove the Part E corrections and certain juvenile justice requirements from the Safe Streets Act and shift the funds appropriated under these provisions to Part C action block grants. In addition, we would request that Congress refrain from further efforts to earmark funds or to establish separate program categories for particular functional or jurisdictional interests.

Decategorization

In the Commission's judgment, experience has proven that the block grant approach is the most feasible way to develop an effective intergovernmental criminal justice system. Functional categorization and the earmarking of funds undermine the block grant principle. They raise questions concerning the degree to which Congress is willing to give recipients actual flexibility in arriving at an appropriate functional and jurisdictional funding balance and in adapting Federal aid to their own needs. And they generate needless duplication of effort and increase administrative cost. Indeed, they strengthen the very functional fragmentation that Congress ostensibly is attempting to curb through the block grant mechanism. By reversing the categorization trend, the Act can be a more effective catalyst for police, prosecutorial, court, and correctional activities within individual jurisdictions as well as between cities, counties, and their State government.

The Commission favors repeal of Part E and of certain juvenile justice provisions of the Safe Streets Act. Changes in funding levels within states to reflect changed needs and priorities have occurred without categorization of funds. Although it

can be argued that the existing categories have had few major adverse effects on State planning and administration, this is not to say that individual States have not or will not experience difficulty in the future. In some States a balanced funding pattern probably would have occurred in the absence of earmarked funds as corrections and other law enforcement interest groups became better organized, gained greater representation on SPA supervisory boards, and became more skilled in developing and defending project proposals. In the Commission's view, therefore, these statutory restrictions on States should be removed.

The juvenile justice appropriations levels under the 1974 Act have been relatively low to date and the planning, organizational, and maintenance of effort requirements have not been burdensome in most cases. The Commission does not strongly object to provisions of Title II of the Act establishing national and State advisory committees on juvenile justice matters, creating new units within LEAA, and encouraging greater representation of juvenile justice interests on supervisory boards. However, the Commission finds the requirement that SPA prepare and submit an additional functional plan, which may or may not be incorporated into the State comprehensive criminal justice plan, to be duplicative, time consuming, and costly. The maintenance of effort provisions also are undesirable, and probably unnecessary. If, as the Commission believes, the problems of juvenile justice and delinquency prevention are so great and the necessary remedial action encompasses both criminal justice and social service agencies, then Congress should consider raising the authorization and appropriations levels for Title II of the 1974 legislation proportionate to the needs that exist.

The Commission is fully aware of the reasons both functional areas received special attention in the Safe Streets Act. Moreover, it is sensitive to the need to invest substantially more resources in the rehabilitation of adult and juvenile offenders. Yet, these objectives can be accomplished within the framework of the block grant. The States' record in distributing Federal funds, as well as utilizing their own resources, has been steadily improving as SPA planning, managerial and decision-making capacities have increased over the years and as representation on supervisory boards has become more balanced. While there have been some gaps, the Commission is confident that SPAs are equipped to effectively respond to the needs of these and other functional areas.

Additional categorization

The courts as well as major cities and urban counties have been the most recent interest groups to come before the Congress seeking statutory recognition. With respect to the courts, it is indisputable that unless our system of justice can guarantee the swift, sure, and fair disposition of cases, the public will have little respect for the law and potential offenders will not be deterred from criminal activity. To better achieve these objectives, more resources should be provided to our nation's court systems. The Commission agrees that the unique position of the judiciary warrants special attention in implementation of the Safe Streets Act. The integrity, impartiality, and independence of the judicial branch should not be compromised, and the separation of powers principle should not be violated.

The Commission recognizes the view of some court spokesmen that establishment of a separate category of assistance for the courts for planning and action purposes would give appropriate recognition to the separation of powers doctrine and remove the judiciary from the political pressures and entanglements presently associated with the competition for Safe Streets funds. In our judgment, however, categorization is not the only way to resolve the complex and sensitive issues involved here.

The Commission considers the present SPA mechanism to be in need of certain modifications to increase its responsiveness to the courts. More judicial representation on supervisory boards is in order. Further, members of the judiciary should be encouraged to participate more actively in SPA affairs. In part, the funding pattern for courts reflects this inadequate representation and reluctant involvement, and efforts to overcome these tendencies should result in greater financial support for court activities. A 1975 report by the Special Study Team on LEAA Support of the State Courts found that a larger share of action funds was generally awarded to court programs in states having judicial participation in the SPA's planning process.

Some viable procedural options are also available to deal with the separation of powers issue. Basically, court planning should be vested in the judiciary. The Commission supports the creation of a body composed of State and local judges, court administrators, and others to formulate plans for court needs, obtain local

input, prioritize proposals, and make recommendations for consideration by the SPA. Such a court planning body could be created by the legislature, the governor, or the SPA. While the SPA would scrutinize the court plan and the recommendations for implementation contained therein, the presumption is that the plan would be approved and funded in most cases. While the Commission does not feel that a specific target funding level is appropriate, the SPAs could consider as a minimum funding level the relationship between the proportion of Safe Streets funds allotted for judicial branch activities and that of State-local direct criminal justice outlays for this purpose.

This basic arrangement has been used successfully by California seems to be a desirable way to ensure the independence of the judiciary without undermining the comprehensive criminal justice planning efforts of the SPA.

Since the inception of the Safe Streets program there has been heated debate over whether SPAs are allocating a proportionate share of action funds to major cities and urban counties having the highest crime rates. While Congress has stated that no State plan is to be approved by LEAA unless it provides for the allocation of adequate assistance to areas having both "high crime incidence and high law enforcement and criminal justice activity," representatives of the nation's local governments have argued that both the States' response and LEAA's enforcement have been uneven. They assert that greater amounts of action monies need to be targeted to high crime areas on a continuous basis. Such concentration of the relatively limited Federal resources is the only way to have an impact on crime reduction.

The Commission recognizes the long-standing concern of those who argue that a proportionate amount of Safe Streets dollars should go to areas having the most severe crime problems. We are also aware that several large cities individually receive substantially fewer funds than would appear warranted by their share of State crime rates or population. Yet, in several States a jurisdictionally balanced funding pattern has been achieved. Given the fact that crime ignores the boundaries of local government, and that interlocal action is often required to detect, apprehend, process, and rehabilitate offenders, it is reasonable to view these actions within the framework of a city-county criminal justice system. Counties, after all, have been assigned significant responsibilities in operating the courts and correctional institutions, as well as performing law enforcement functions in unincorporated areas and in some incorporated places. Cities, on the other hand, are heavily involved in providing police protection, and to a lesser degree, perform certain prosecutorial and judicial activities. Analysis of the flow of block grant assistance over the years in terms of city-county criminal justice systems across the country reveals that larger jurisdictions have received a portion of action funds generally in proportion to their share of state population and slightly below their share of state crime rates.

In short, the present statutory provisions calling upon both LEAA and the SPAs to give adequate attention to the needs of high crime areas appear to have had a positive effect. Although gaps still remain in some States' effort, amending the Act to establish a separate block grant program for major cities and urban counties, or combinations thereof, or to statutorily require SPAs to earmark a portion of their Part C allocation for these jurisdictions appears inappropriate. The Commission is confident that with careful LEAA review of State comprehensive plans, more effective monitoring and evaluation of action programs, and greater representation of elected local chief executives and legislators on SPA and RPU supervisory boards, the responsiveness of these States can be improved and further categorization of the Act can be avoided.

At the same time, the Commission is concerned about the need to give greater certainty to local governments that their efforts to identify and prioritize problems and to prepare plans and applications to remedy them will not be in vain. Officials of large counties and cities have contended that at the local level planning frequently takes place in a vacuum, because the amount of funds available for new projects is difficult to determine and that too much time must be spent developing and defending individual applications. To these observers, the costs associated with obtaining Safe Streets funds may outweigh the benefits derived from such aid. In the Commission's view, steps should be taken to remove the procedural bottlenecks in the program and to reduce administrative costs.

The "mini block grant" arrangement, such as is practiced in Ohio, can be a significant tool for making Safe Streets implementation at the State and local levels more effective and efficient. Under this procedure, larger local governments designated by the SPA would prepare plans for their crime reduction and criminal

justice system improvement needs during the next fiscal year. Population size, crime rates, and the extent to which such local governments bear a substantial financial and administrative responsibility on law enforcement and criminal justice would be used by the SPA in determining eligibility. Individual units, as well as combinations thereof, meeting these criteria would submit their plan to the SPA for approval. Hopefully such plans would be comprehensive, containing data, analyses, and projections similar to those called for in State plans, and would not be merely "shopping lists" for projects. Following approval of such a local plan, a "mini block grant" award would be made by the SPA for its implementation.

Further applications for individual projects contained in the plan would not be required. It would be the responsibility of the recipient to implement the approved "package" of projects and to account to the SPA for results. The SPA, of course, would continue to perform monitoring, evaluation, auditing, and reporting functions. This "packaging" procedure would therefore free SPA supervisory board and staff time to devote to planning and policy matters instead of grant management, reduce administrative costs, expedite execution of projects, and give local units a greater incentive to plan for both Safe Streets and non-Federal criminal justice resources.

The Commission is aware that a somewhat similar procedure is already contained in the Safe Streets Act—the so-called "Kennedy amendment." However, the "mini block grant" approach differs from this provision in two major respects: (1) the eligibility of local jurisdictions would be determined by the SPA rather than confined to the fixed statutory 250,000 population floor, thus enhancing State flexibility and making it possible for smaller units having serious crime problems to participate in this arrangement; (2) the present Act does not specify that once a plan has been submitted and approved, no further State level review and action on individual applications contained therein would be required, making expeditious local implementation uncertain. Largely as a result of these limitations, for example, 71 percent of the 49 respondents to a 1975 survey of the nation's largest cities conducted by the National League of Cities—U.S. Conference of Mayors indicated that the "Kennedy amendment" had produced no change in local administration of Safe Streets funds.

In the final analysis, the feasibility of the Commission's recommendations for "decategorizing" the Safe Streets Act and avoiding future actions which would unduly restrict recipient discretion depends heavily upon Federal and State efforts to ensure that the intent of Congress is being achieved. In particular, the oversight and leadership roles of LEAA would have to be strengthened, yet kept consistent with the block grant concept. At the same time, the authority and credibility of SPAs would need to be increased.

GREATER LEAA OVERSIGHT

The authority of LEAA to oversee SPA operations and to specifically ascertain whether the SPAs adequately address the needs of high crime rate areas and other Congressional priorities is clear. Despite the wide latitude accorded recipients under the block grant approach, a review of the various provisions of the Safe Streets Act as amended reveals considerable clarity as to both the required substance of State plans and action programs and the procedures by which decisions should be made on these matters. LEAA has the authority to determine the degree of compliance of the SPAs with these provisions. This includes the authority, if not the obligation, to disapprove entire State comprehensive plans instead of their component parts—something that LEAA has been unwilling to do in all but a handful of cases since 1969.

Some State and local officials have complained that LEAA has not developed adequate performance standards for evaluating the quality of State plans and SPA implementation efforts. While LEAA has made an effort through planning guidelines to ensure that the States incorporate all of the components of a comprehensive plan specified in the Act the Commission finds from its review of the first seven years of the program, that LEAA needs to pay greater attention to more substantive matters. Lacking qualitative standards, effective monitoring and evaluation of SPA performance is difficult, and the bases for plan approval tend to be too subjective.

The Commission believes that these standards and criteria primarily should be process- and management-oriented. They should not address basic changes in the State-local criminal justice system or its functional components, such as those developed by the National Advisory Commission on Criminal Justice Standards and Goals.

The development of national standards should be accompanied by improvements in LEAA's capacity to monitor, evaluate, and audit State performance. While reliance on special conditions attached to annual plans by Regional Offices has been useful on a case-by-case basis, enforcement of State compliance has not been consistent. One result of inadequate Federal administrative oversight has been the pressures for functional and jurisdictional categorization and earmarking.

In short, what has been lacking is not a statutory basis for action but rather an LEAA commitment to enforce the letter as well as the spirit of the law.

The Commission is aware of and encouraged by LEAA's recent oversight efforts especially in the areas of monitoring and evaluation. However, the Commission feels that the pace and priority accorded to these activities—in terms of time, personnel, and funds—need to be increased. Moreover, a closer reporting relationship between LEAA and the Congress needs to be established. In particular, organizational responsibility for monitoring, evaluating, and auditing needs to be better focused. Each year LEAA should provide a detailed report to the Congress on the status of State comprehensive planning, State-regional-local implementation efforts, and LEAA central and regional office operations. The impact of the Safe Streets Act on the reduction and prevention of crime and delinquency and on the improvement of the criminal justice system should be assessed. This information would provide a basis for more effective, and hopefully more frequent, Congressional oversight.

The Commission realizes that the establishment of national standards and the upgrading of Federal monitoring, evaluation, and auditing functions are difficult, time-consuming, and potentially controversial undertakings for all concerned. We are familiar with the difficulties encountered in the course of LEAA's previous efforts to establish SPA performance criteria. We are also sensitive to the constraints imposed by the block grant on the Federal administering agency. And we are aware of the time demands on Congress. Still, the creation of such national standards and the upgrading of both LEAA and Congressional oversight is essential to an evaluation of the program effectiveness and to a determination of whether legislative intent has been and will be observed. Such a review would be of further use in order to adequately respond to the pressures for further categorization.

INCREASING SPA CAPACITY

The scope and quality of the planning effort envisioned under the Safe Streets Act is difficult for many SPAs to attain. The limited authority of most SPAs, tight LEAA plan submission deadlines, inadequate Part B funds, and substantial staff time devoted to compliance with Federal guidelines and procedural requirements makes comprehensive planning difficult if not impossible. As a result, Safe Streets planning has been largely directed to the allocation of Federal dollars. Therefore statutory decategorization and improved LEAA oversight are necessary if State Planning Agencies are to fulfill the basic intent of the law.

The Commission feels these problems can be addressed by modifying the requirements for preparation of an annual plan to more realistically reflect SPA staff capabilities, as well as the time involved in establishing an effective planning process and in producing a quality plan. With respect to planning, the pretense of preparing a comprehensive plan on an annual basis should be scrapped. As a substitute for current requirements, States should develop only one plan covering a five-year period. Annual statements would be submitted to update the plan and report on implementation progress. The intent here would be to focus more attention on a truly comprehensive planning effort. Through this approach the complaint that "funding forces out planning" would no longer be justified, and the image of State comprehensive plans as glorified shopping lists for projects would be erased.

The Commission recognized the view of many SPA and local officials that the level of Part B funding has been inadequate. In light of the constraints imposed by the nation's recent economic problems, as well as the pressing needs for "action" funds to help deal with rising crime rates, the Commission was reluctant to recommend increases in appropriations for planning purposes. Instead, it believes that available dollars should be utilized more effectively. A five-year time span for planning is a major way to accomplish this purpose.

The State chief executive normally establishes the State Planning Agency, names supervisory board members, and directs other State agencies to cooperate with the SPA. The governor also may designate regional planning units. Despite their formal responsibilities under the Safe Streets Act, on a day-to-day basis most governors have not played an active role in the program. The governor's influence is generally exercised through the selection of supervisory board members and

appointment of the SPA executive director. In part, this level of participation reflects the heavy demands on the chief executive's time, as well as the relatively small amount of funds available under the Act. One effect of limited gubernatorial involvement has been the lack of adequate interpretation of SPA/Safe Streets activities with other parts of the state criminal justice system even though the block grant instrument is supposed to address criminal justice in a system-wide context.

The Commission believes that SPAs should be authorized to collect criminal justice data from other State agencies, to engage in system-wide comprehensive planning and evaluation, and to influence State resource allocation decisions through the review and comment on the appropriation requests of its law enforcement and criminal justice agencies. These actions would help make the SPA a more integral part of the State criminal justice system.

Although state legislatures appropriate matching and "buy-in" funds, make decisions about assuming the costs of projects and, in 20 of the States, set up the SPA, their awareness of and substantive participation in Safe Streets has been quite limited. This situation is due partly to the fact that the p rogram is still viewed as the governor's and to the fact that relatively low state funding levels do not make it a visible priority for some legislators. In too many States, the legislature has no real say in planning and policy decisions, yet is expected routinely to fund programs submitted by the governor and the SPA. Lack of state legislative involvement makes it difficult to mesh Safe Streets with other State criminal justice outlays, and equally difficult for the legislature to exercise effective oversight.

The Commission's recommendations here are geared to increasing legislative participation and to moderating the "governor's program" image.

First, providing a statutory basis for the SPA would enhance its stability, and would particularly help reduce the confusion occurring when a new govenor assumes office and/or a new executive director is appointed. It is the Commission's view that in designating the composition of the supervisory board, the legislature should include an appropriate number of its own members appointed by the leadership.

Second, the review and approval of State agency portions of the State plan and consideration of Safe Streets supported activities together with other annual appropriations would provide an opportunity for the legislature to have a major input into both planning and funding. With respect to the former, the legislature's approval of this document would give it official status as a police framework for the development of a coordinated statewide strategy to deal with law enforcement and criminal justice needs. Each legislature should decide whether a general review or a program-by-program consideration of the plan is in order.

Third, requests for Safe Streets matching and "buy-in" funds should be reviewed against the comprehensive plan and either lump sum or line item appropriations would be made. Under this arrangement, the policy-making process for Safe Streets would follow that used for non-Federally funded programs, under which the governor would submit programs and a budget to the legislature for its approval, modification, or disapproval. The SPA would relate to the legislature in much the same manner as other State agencies.

Coupled with the periodic oversight by substantive committees, this recommendation would substantially increase the legislature's role and responsibilities in priority setting for criminal justice, regardless of the source of funds. The State of Michigan has come closest to adopting this model. Most legislatures, however, do not appropriate all Federal funds prior to their expenditure by State agencies.

Not to be overlooked, of course, is the willingness and capacity of the legislatures to enter the Safe Streets area. Some legislative bodies would not be equipped to do so, in light of the biennial nature of or limitations on the duration of sessions. Additionally, high turnover of membership fragmented committee structure, insufficient staff assistance, and other factors mitigate against meaningful participation. But these are questions of overall legislative strength and authority. Their impact on the criminal justice area generally and the Safe Streets program in particular, only dramatize the need for shedding these shackles. Authoritative reforms in and adequate fiscal support for State-local criminal justice systems, after all, depend heavily on the posture of the legislative branch.

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In conclusion, Mr. Chairman and Members of the Subcommittee, the block grant approach taken in the Safe Streets Act still is on trial. The seven-year record is not unblemished. However, considering the complexity of the crime prob-

lem, the relatively limited amounts of available Federal funds, the historic separation of the functional components of the criminal justice system, and the infancy of criminal justice planning at the end of the 1960's, significant achievements have been attained by all levels in implementing the Act. We would urge you to let the experiment continue, to reverse the categorization trend, and to give LEAA and the States the resources and guidance they need to tackle one of society's most pressing and perplexing problems.

Thank you.

TESTIMONY OF ROBERT E. MERRIAM, CHAIRMAN OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

Mr. MERRIAM. Thank you, Mr. Chairman. I'd like to introduce two members of the ACIR staff who are with me today. On my right is David Walker, who is an assistant director, and on my left, Mr. Carl Stenberg, who is a senior analyst for the Commission, both of whom have been heavily involved in our own analyses of not only the Safe Streets Act, but only bloc grant programs that the Congress has enacted.

I thought I would rather briefly summarize the detailed statement which you have inserted in the record, simply to highlight the kinds of information we have provided to the committee. Essentially, we have covered three kinds of information in our report to you: First, identification of a series of paradoxes and ambiguities in the way the Omnibus Crime Control and Safe Streets Act was conceived and drafted, which we feel are pertinent to its reconsideration at this time; second, a brief review of the pros and cons of the 7-year record to date of the safe street program in its 7-year history; and third, to identify three areas which our Commission has suggested are in need of reform in the program. These three areas are considered by me to be the most important of a longer list of recommendations that our Commission did adopt late last year, and which we have made available to your staff for a more detailed analysis.

Before turning to the specifics of my remarks, however, I would like to underscore what I believe to be the critical importance of this review which really goes beyond the question of the renewal of the LEAA program itself. It is one of the early bloc grant programs, and therefore does provide a basis for review of the concept and the strengths and weaknesses of bloc grants generally.

Second: It seems to us that the experience of Federal, State, substate regional, and local agencies in planning and programing under the act provides some important lessons for policymakers to use when considering new bloc grant proposals, such as those recently made by the President or when reconsidering the existing programs now on the statute books.

In our study of the Safe Streets Act, our staff, as directed by Mr. Walker, made extensive use of the LEAA's grant management information system and State planning grant applications. We conducted national questionnaire surveys of all State planning agencies, regional planning units, cities and counties over 10,000 population. We took a firsthand look at the operation of the program in 10 selected States. Now, each of these sources of information and analysis has its limitations, but we felt that we did have an adequate basis of information for our assessment. As I mentioned, in November of 1975 the Commission itself reviewed staff findings and made its own recommendations, some of which I will relate to you today.

I mentioned at the outset the ambiguities and the ambiguous motivations that led to the legislation. As we all know, the launching of a major comprehensive Federal-aid program in response to mounting public concern about crime and civil disorder generated high expectations regarding accomplishments.

The use of the new instrument, the bloc grant, raised hopes that many of the administrative and policy problems associated with categorical grants could be avoided. We believe that in this atmosphere certain critical intergovernmental relationships of the State and local criminal justice system were either deemphasized or overlooked. I'll just quickly mention six of these expectations.

First: The act is based on the belief that increased spending would reduce crime.

Second: Crime became a visible politicized issue with war on crime and slogans of law and other which raised public expectations in a way perhaps not reflected in the rather small commitment of Federal dollars. And I would remind you that the appropriations level for safe streets still consists of something less than 5 percent of the total State and local direct expenditures for criminal justice purposes.

Third: The act stated that a major purpose of Federal anticrime money was to strengthen State and local law enforcement in criminal justice agencies. At the same time, however, we know there were funds specified for research, training, and other purposes not directly related to day-to-day operations of these agencies.

Fourth: The act called for comprehensive criminal justice planning in the States involving all elements of the criminal justice system at a time when there had been little comprehensive planning in criminal justice, few professionals skilled in the area, and a fragmented system in which the various actors were more frequently and heavily in conflict than in collaboration.

Fifth: The act relied on the States to assume major responsibility under the bloc grant concept as planners, innovators, and administrators, even though many doubted their capacity and even willingness to do the job.

Finally, the act tried to balance the competing objectives of assuring that States addressed the national goals of reducing crime and improving the criminal justice system against the desire to reduce the strings that a cluster of categorical aid programs in their area would have generated.

Now, we feel, in the light of these ambiguities, it's not surprising that there are sharply contrasting views with respect to the purpose of the act, the nature of the bloc grant instrument, the States' planning and administrative experience, the appropriate LEAA role vis-a-vis the State planning agencies, and the statutory changes necessary to better aline expectations with reality.

In looking at the record our Commission concluded that the program had a mixed record: Neither as bad, we felt, as its harshest critics claim, nor as good as its supporters state. There are a lot of variations, of course, from State to State—problems in the LEAA Administration itself which clearly, in our opinion, need to be corrected.

The law, we believe, needs to be strengthened, and clarified but on balance, our evaluation tended to be positive. Let me list the positive and negative findings very quickly.

On the positive side, the elected chief executive and legislative officials, criminal justice professionals, and the general public have gained a greater appreciation of the complexity of the problem and of the needs and of the different components in the criminal justice system.

Second: There at least has been established a process where coordination of efforts to reduce crime and to improve the administration of justice can occur.

Third: Safe street funds have supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake.

Fourth: A fairly balanced pattern has emerged in the distribution of funds to jurisdictions having serious crime problems, as well as to the functional components of the system.

Fifth: State and local governments have assumed the cost of a substantial number of safe streets initiated activities. And finally, many elected chief executives and legislators, as well as criminal justice officials now believe that the Federal Government's role in providing financial assistance through the bloc grant is appropriate and necessary and that the availability of safe streets dollars, to some degree, has helped curb crime.

On the negative side, first: Despite the growing recognition that crime has to be dealt with by a functionally and jurisdictionally integrated system, the program has been unable to develop as yet strong ties among its component parts.

Second: In our opinion, only a handful of the State planning agencies have developed close working relationships with the Governor and legislature in planning policy formulation, et cetera.

Third: The State planning agencies seem to have devoted the vast majority of their efforts to distributing funds in complying with procedural requirements and this obviously implies they have spent less time in the overall planning effort.

Fourth: LEAA, in our opinion, has not established meaningful standards or criteria against which to determine and enforce State planning comprehensiveness and State planning agency effectiveness.

And finally: The excessive turnover in the top management level of LEAA and in the SPAs themselves has resulted in policy inconsistencies, staff instability, and confusion as to goals.

Our recommendations, with reference to the program and its extension, are as follows. First, we do strongly encourage the continuation of the bloc grant concept in dealing with criminal justice. I had mentioned earlier that we have a long list of recommendations. Three of our thrusts I would like to mention today.

First: We would urge that the tendency to recategorize this program be reversed.

Second: We would recommend that there be an increase in the authority and the capability and responsibility of LEAA to see that the act is implemented.

Third: We recommend that the SPA's, and their capacity to implement the act be improved.

More specifically, in the decategorization area, our basic thrust is to urge that the State and local governments be given maximum flexibility within the framework of the bloc grant in determining the

appropriate mix of the stimulative, supportive, and system-building purposes of the act and its assistance.

We urge Congress to remove the part E corrections and certain juvenile justice requirements from the act and shift the funds appropriated under these provisions to part C—action bloc grants. We suggest that Congress refrain from further efforts to earmark funds or to establish separate program categories for particular functional or jurisdictional interest.

In our judgment, experience has proven that the bloc grant approach is the most feasible way to develop an effective intergovernmental criminal justice system. Regarding functional categorization, the earmarking of funds undercuts the bloc grant principle and raises questions concerning the degree to which Congress is willing to give recipients actual flexibility in arriving at an appropriate functional and jurisdictional funding balance in adapting Federal aid to their own needs. Yet, this is the basic concept of bloc grants.

Further categorization generates needless duplication of effort and increased administrative cost. Indeed, it strengthens the very functional fragmentation that Congress ostensibly is attempting to curb through the bloc grant mechanism.

We believe that by reversing this categorization trend, the act can be a more effective catalyst for police, prosecutorial, court and correctional improvements within individual jurisdictions, as well as between cities, counties, and State governments.

Now, there are two prime examples of proposals, one of which I understand you'll be hearing from later today with reference to the possibility of further categorization. I refer, of course, to the courts and to major cities and urban counties which have been the most active in urging you to create new earmarked funds.

As I've already indicated, in our judgment, this would be a mistake. We recognize the view of some court spokesmen that establishment of a separate category of assistance for the courts for planning and action purposes would give appropriate recognition to the separation of powers doctrine and remove the judiciary from the political pressures and entanglements potentially associated with the competition for Safe Street funds. But in our judgment, categorization is not the only way to resolve the complex and sensitive issues involved here. And I must say that the separation was not meant to be a divorce.

The Commission suggests that the present SPA mechanism be modified to increase its responsiveness to the courts. More judicial representation on supervisory boards, in our opinion, is in order and members of the judiciary should be encouraged to participate more actively in SPA affairs.

In part, the funding pattern for courts reflects this inadequate representation and reluctant involvement, but this concern about being involved in the appropriations process is never solved because it just moves it from the legislature to the Congress, if that route is followed.

Some viable procedural options are also available to deal with the separations of power issue. Because court planning should be vested in the judiciary, the Commission supports the creation of a body composed of State and local judges, court administrators, and others to formulate plans for court needs, obtain local input, and make recommendations for consideration by the SPA's.

While a State planning agency would scrutinize the court plan and the recommendations for implementation contained therein, the presumption is that the plan would be approved and funded in most cases. In other words, as the courts have asked, the burden of proof would be, in effect, transferred to the SPAs.

With regard to the contention that major cities and urban counties should have special status, it should be noted that the present statutory provisions which call upon both LEAA and the SPAs to give adequate attention to the needs of high crime areas appear to have had a positive effect. We certainly agree that gaps still remain in some States' efforts. But amending the act to establish a separate block grant program for major cities and urban counties, or combinations thereof or to statutorially require SPAs to earmark a portion of their part C allocation for these jurisdictions, in our opinion, appears inappropriate.

Mr. CONYERS. Mr. Merriam——

Mr. MERRIAM. Yes, sir.

Mr. CONYERS. We'd like to move to our questioning or we're never going to get out of here.

Mr. MERRIAM. Very good.

Mr. CONYERS. Do you have a conclusion?

Mr. MERRIAM. Yes, sir. On the urban areas, I merely call to your attention the miniblock concept that has been used in Ohio, which is, in essence, a part of Senator Kennedy's newly introduced bill. We think that concept would solve the urban question.

On the question of LEAA oversight, I would simply say that what we are suggesting is that their attention be shifted from rules and regulations to policy formulation, if you will, and guidance.

And with reference to the SPA's capacity to perform their job, we have a number of recommendations on how we think they can do a better task and be more tightly tied into the operations of State government and perhaps avoid the situation that Governor Brown once commented on when he saw the organization chart of the State of California. There was one box which had no lines going anywhere. And it was the California SPA.

Finally, Mr. Chairman, I would say that the Safe Streets Act certainly is still on trial. The 7-year record is not unblemished. Yet, considering the complexity of the problem, the relatively limited amounts of available Federal funds, the historic separation of the functional components of the criminal justice system, the infancy of criminal justice planning at the time this program started, we can say that some significant achievements have been attained in implementing the act. We would urge you to let the experiment continue; to reverse, as I had mentioned, the categorization trend; and to give LEAA and the States the resources and guidance they need to tackle one of society's most pressing and perplexing problems. Thank you.

Mr. CONYERS. You know, one of the benefits about holding hearings on one subject is that you begin to learn about other operations of the Federal Government, namely yours. The Advisory Commission on Intergovernmental Relations is an operation about which I have very little personal knowledge.

I think you've done an excellent job here. I think you've been overly generous to the Government agency that you are analyzing and I think your criticisms are certainly well founded.

Now, if this was a welfare program and we caught somebody chiseling $4.4 billion for 8 years, you wouldn't be able to get through the first 20 pages of the Washington Post for months and yet we begin this hearing confronted ith the fact that crime is increasing, the fear of crime is increasing. And do you know what this committee meets? We meet requests for additional money for the program. We have people saying, "Well, yes, subcommittee, crime is increasing, but you know what we need? We need more money for LEAA." That's precisely what we've been doing for 8 uninterrupted years. Nobody comes up here talking about failures. We hear: "But there are negatives and there are positives." It's almost incredible.

Now, as one member of this subcommittee, I need some help. The question is—and I ask the entire Federal Government, all of its grantees, all of its intelligentsia, and everyone remotely connected to LEAA: "What are we to do about the escalating crime rate in the United States of America?"

Granted, there are all kinds of questions about revenue sharing and block grants. I'm perfectly prepared to concede that the block grant method is probably suitable as a vehicle in this situation. But to me it's totally beside the point. The point is that we're not addressing the problem in any of our respective organizations.

And the Congress would reflect some credit upon itself if it would intelligently examine the question for a change, listen to the people who are thoughtful about it on all sides, and come to some kind of conclusion that could stand the test of reason and experience 6 months afterwards. That's all we're trying to do.

We have to do more than tell these fellows that we're not going to go into categorization and that, "You ought to get a little bit more efficient and cut some of the infernal redtape," which probably was a result of the fact that there was no tape at all for several years in the beginning of this operation.

But the whole point here is that the objectives we have set have not been met and it seems to me that we ought to be talking about them and that an organization of your distinction and ability should be able to help us. Maybe you can't get into questions of public policy; perhaps this cuts too close to reality.

But there's no point in us having another perfunctory hearing on a $1 billion program, listening to all of the people with obvious self interest parade before us and request more money.

Now, we could do this for a few weeks, renew the bill, send it to Congress. Odds are it will probably pass and we will have done a grave disservice to the Government and to the people in this country. This subcommittee would like to do something different and we would welcome any suggestions on or off the record and in a continuing way.

We know that this hearing for a few minutes here today isn't going to begin to deal with the dimensions of the problem, even the points that you raise. But somehow we've got to do better than we have and we need more help. And I suspect that you and your organization can be helpful in that respect.

Mr. MERRIAM. Well, Mr. Conyers, you posed, of course, the gut question of the whole matter and you posed it very well. In November when our Commission met in Chicago to consider these recommenda-

tions, I very vividly recall that the headline in the newspaper that morning was that the crime rate had risen to its highest point ever. And this was the setting in which we met.

Now, recognizing that, we certainly have no concern about wading into public policy questions. We do it regularly. But our Commission looked at it from the vantage point of where this criminal justice system was when the program started. One of the weaknesses as well as strengths of our unique Federal system is that we have divided responsibilities among the levels and branches of government and nowhere more dramatically than in the criminal justice field.

We have been painfully slow in finding ways to get all of these governmental entities working together. We have a tremendously long way to go in the urban areas, as you know from your own community and as I do in my home community of Chicago. But what we were looking at was what had been the starting point in the criminal justice system and whether this injection of money—and it is a tremendous amount of money, although it is a small portion of the total, as I mentioned, that goes into criminal justice—had some useful effects, useful enough to warrant our coming before you and recommending it be continued.

When one realizes that the police and the courts and the correctional people in many communities really hadn't sat down prior to this program in any organized way to try to relate their activities one to the other, when one now realizes that a dialog has been started, this, we think, is some progress. It hasn't solved the problem and I tried to point out in my testimony that one of the troubles was the expectation that, by an injection of Federal funds, we automatically solve the problem.

All this suggests to us that money is not the total answer. But we do see progress. We do see these various entities talking one to the other. We do see them beginning to plan together on how their interrelated programs for criminal justice—whether for police, the prosecutors, the courts or the corrections agencies—impact on one another.

And this, we think, is a major starting point. Like you, I would hope that we could see the results of this show up much more clearly in public attitudes toward what is happening in our cities and urban areas. And I have to say very frankly that you're absolutely right: In those terms, we have not seen results.

But in terms of beginning to form a system, or as Mr. Stenberg has said on several occasions, "to create a melting pot which will get these entities together, we have made progress." When I first was involved in city government in Chicago, for example, if a criminal robbed a bank and then headed straight for the city limits, he was in pretty good shape because the police in Chicago didn't even have a radio network a few years ago to be able to tell the suburban officials that somebody was on the way.

They now have an areawide network, of course. And I cite that as a tiny example of the progress that's been made. If we believe in our Federal system—and I know I do and I know you do—of divided responsibilities, we have to accept the fact that we have to work very hard on a complex issue like crime to see tangible results.

But as I indicated, on balance we feel that the progress to date in getting these diverse and sometimes often warring agencies together has been sufficient to warrant the program's continuation. I don't know

if I've answered totally your question. I guess there isn't a total answer to it.

Mr. CONYERS. Mr. Mann?

Mr. MANN. Well, I think the dialog you just had is very significant and expresses the thinking of each of us on the committee, I believe, although I must say that the new directions that we're seeking are not, in my judgment, served by throwing money at States in lumps instead of categories. We've had a program of fiscal relief. Why don't we just add it to revenue sharing? I think you said it well in what has been accomplished: "Elected chief executive and legislative officials," and so forth, "have gained greater appreciation of the complexity of the crime problem and of the needs of the different components of the criminal justice system."

Now, in sitting down to try to get part of this Federal money, they discovered some of their problems and maybe more was accomplished in that process than in any other way, because what they've done with the money, I don't believe, could be classified as impressive. Oh, they've bought hardware and they've done some studies. They've been highly deficient in sharing what they learned.

The LEAA has been highly deficient in what has been learned, and in sharing that. So I, for one, am looking for some bulwark to do more than supplement State and local efforts with money and to perhaps supplement State and local efforts with ideas. Now, we've had testimony—there's been discussions in the committee about the failure of the research effort because no one has the answer.

And that's the reason we need to be looking for it. And we're not going to look for it in 6 million communities, the results of which or the experience of which we don't have a system to capture. Nor are we going to find it by financing the radio systems for every police force in the country. Nor are we going to find it by having some embryonic research effort going on under the auspices of the local chief of police.

So what is the role of the Federal Government in this matter? We look to other more significant problems like energy conservation and other problems and we say: "Well, there's no profit motive there. There's really no capability for private industry to do it or for local government to do it, so the Federal Government perhaps is the only agency that can do it and do it well."

So what do you think of a program that cuts off money to State and local governments? After all, it's a responsibility that they have traditionally carried out and one that we would not disturb, except in the Federal trends of the past few years, shared part of that income tax money. So what's wrong with the Federal Government undertaking, through some different type of agency, a pure research program given the necessary tools, of course, to have demonstration projects, to require reporting, statistical gathering and what not and cut out this doling out of money?

Mr. MERRIAM. Well Mr. Mann, I would answer that in two ways. First of all, I do feel—and our commission felt—that the continuation of the effort to get the States to do that which, maybe you would say and I might say, they should have done in any event, but hadn't, is useful. And that really is the purpose of a block grant, as I understand it, in the sense that it is beaming money at a broad area of national need and problem. And goodness knows, crime fits that category.

I personally would not feel that it would be advisable to cut that off. But now let me go to the other half of your suggestion, in terms of more Federal leadership, whether it be in research or in program evaluation and development. And here I would totally agree with you.

I have to say to you, Mr. Mann, that we did not in our recent analysis take a hard look at the work that the Institute has done and, therefore, I'm not able to give you what I consider to be a professional judgment on what they have done.

But as I understand it, there has been a rather hazy, at best, relationship between the Institute, and the rest of the LEAA. And if this is indeed correct, then it doesn't make sense to me. Second, it seems to me that, as I indicated in my testimony, the LEAA itself has spent too much time on procedure and not enough time on its own program orientation.

And here I am somewhat contradictory. I don't want to decategorize this program and see a whole lot of strings. But on the other hand, it does make sense if we're going to have a program, that the Federal Government give it some policy guidance, if you will. And I don't think those two are inconsistent. It's just a question of where the emphasis is placed.

So on those two counts—certainly on a research effort, the Federal Government, I believe, has a very key role—not only in terms of resources, but in terms of being able to draw upon all of the elements that go into a research program.

I'm familiar in detail personally in my private capacity with one phase of the research effort. And this has to do, Mr. Mann, with the whole question of the demonstration programs in various urban locations—residential, commercial, and so forth—in trying to get a combined program for safety and security. We are involved in the development of a new town-in-town in Chicago, where we consider the security question to be a critical one. Whether it will be a successful development or not, hinges roughly on this issue. And we think there is a role for good, sound research here.

On balance then, certainly agree that the research effort could be emphasized more. Yet, I would still hope that the action moneys would be continued for the time being, at least, to encourage this melting pot of the diverse elements of the criminal justice system.

Mr. MANN. Well, then, there certainly are some encouraging signs, the recent attention, the court reform. And I have no doubt that in each State, assisting all segments of law enforcement communities is a bottomless pit. I would not downgrade the priority of that in anyway. But as we leap up this criminal justice system, we have to recognize that the basic—that the solution is crime prevention. And we have to realize that when I say "crime prevention," I'm talking about the whole parameters of society—just every conceivable segment.

But as of now, after these years, I haven't been exposed to one good conclusion leading toward crime prevention. Oh, sure, better lighting of streets and a few items of that nature. But I know of no substantial conclusion that has been reached as to which direction the assistance should be going in or in which direction society should be going in in order to try and achieve reduction of crime.

And there must be some beefed-up central facility to accumulate the information. It's not going to come easy. It may not come. But

I'd rather see a central effort being made with input from all over than to keep doling the money out thinking that serendipitously some idea is going to come forward.

Now, you speak of the intergovernmental cooperation that this program has brought about. I agree that it has had a salutary effect on the cooperation of States, State law enforcement agencies, and local law enforcement agencies.

I haven't had a chance to read your statement completely. You touch on the problem of the multiplicity of jurisdictions in this country and the problems that that gives rise to—fragmented efforts. And if we can keep throwing money at that fragmented effort and if we allow States and local governments on the block grant system and keep throwing money at it—if we apply Federal controls, they would border on the oppressive by requiring changes in the political structure, but it's a very difficult problem.

If we could come up with some comparative studies that may result in voluntary action along those lines, we would be getting somewhere. Well, I am pleased to know of your commission and its work. And might I inquire what full-time staff does the commission have?

Mr. MERRIAM. We have, Mr. Mann, a 37-person professional staff, full-time, headed by an executive director, Mr. Wayne Anderson, and assisted by two assistant directors, Mr. Walker being one of those two. The staff is divided essentially into two groups: The one headed by Mr. Walker deals primarily with program, if you will, and structure, and the other headed by Mr. Shannon deals primarily with the fiscal aspects of intergovernment matters.

And each of those gentlemen has a top-flight research staff. We have a small group that is involved in what we call "implementation," which brings our recommendations to the attention of the appropriate State and local officials so that they'll be aware of our thinking on the subject.

Mr. MANN. And we're talking about the whole range of government, not law enforcement alone?

Mr. MERRIAM. Yes, sir. That is correct.

Mr. MANN. Thank you, Mr. Chairman.

Mr. CONYERS. Mr. Ashbrook?

Mr. ASHBROOK. Thank you, Mr. Chairman. I would have to say—somebody, I suppose, has to be the devil's advocate—but the more I read, the more I listen, the more I see, the more I wonder what in the world they've been doing for 7 years.

I call your attention to page 6 and I guess I just can't understand such talk. I'll say at the outset—I've known you since your days in Chicago on the Budget Bureau and so forth—and I just can't believe that these conclusions are yours. It sounds so bureaucratic. You say, for example, "The program appears to be neither as bad as its critics contend or as good as its supporters state." I don't know.

Three of the six reasons—let's just look at three of the six reasons. These are supposed to be on the positive side. One, "elected chief executive and legislative officials, criminal justice professionals, and the general public have gained greater appreciation of the complexity of the crime problem and of the needs of the different components of the criminal justice system." Now, that's bureaucratise at its worst.

Four, "a generally balanced pattern has evolved in the distribution of safe street funds to jurisdictions having serious crime problems as

well as among the functional components of the criminal justice system"—ditto.

Six, "Many elected chief executives and legislators as well as criminal justice officials believe that the Federal Government's role in providing financial assistance through the block grant is appropriate and necessary and the availability of safe streets dollars, to some degree has helped curb crime." Wow. If those are the reasons for the extension of this program, I just don't understand, Mr. Merriam. I think that's about the most insane reason that we could have. And I just can't believe it's coming from you because I watched your record over the years. And certainly there have got to be better reasons for a continuation of the program than such gems as that. I just can't believe that kind of talk and frankly that's all we're getting.

I keep asking questions specifically to pin them down and I get all of this talk about "improved understanding." Do you really think it took 7 years of LEAA for elected chief executives to have a better understanding of the complexity of the crime problem? I mean, is that an honest statement?

Mr. MERRIAM. Yes, unhappily, it's a quite accurate statement. This was one of the basic findings which our study indicated, Congressman Ashbrook—and I must say parenthetically that being back in private life, I'm used to being referred to as a bureaucrat, but I will accept it in the spirit with which you rendered it.

Mr. ASHBROOK. I don't think you are, but it sounded like that.

Mr. MERRIAM. Well, we have to, of course——

Mr. ASHBROOK. Grind it out.

Mr. MERRIAM [continuing]. Provide a very short summary on a very complex subject and it isn't easy to do. We do have behind this a very detailed study of the operations of the program with examples of where we think it has worked and where we think it has not.

Mr. ASHBROOK. And this is on the plus side——

Mr. MERRIAM. I assume that this material has been or will be provided to the subcommittee and it goes into very considerable detail and fully documents these broad findings.

Mr. ASHBROOK. You know, if one major conclusion on the positive side is that now elected officials understand crime better and understand the Federal Government's role is appropriate and necessary, that really is an accomplishment for 7 years. That really is a fantastic accomplishment for $7 or $8 million.

I guess the lack of specifics—to come fairly close to a specific, I suppose, is "3." You say, "Safe Street funds has supported many law enforcement and criminal justice activities that recipients otherwise would have been unable or unwilling to undertake." I guess that's the advantage. You can't spend a few billion dollars without doing some good. It's just a question of how much good is done. A couple of days ago, somebody was here proclaiming that LEAA has presided over some 80,000 projects.

I myself don't count that as a plus. The fact that they presided over 80,000 projects probably indicates to me that they can't possibly know what they're doing. Well, jumping to your statement on the SPA's on page 12, you indicate "More judicial representation on supervisory boards is in order." If I were a Federal district judge or a State supreme court judge, the last thing in the world I would want to do is

become enmeshed or mired down in SPA's or the type of bureaucracy this has created. Do you have any understanding of what has happened in education—the title 10 rules that go back to schools—now they've gotten money?

Any time there's Federal money involved, there's strings attached. And if I were a Federal district judge or a supreme court judge, I think the last thing in the world I would want to do is become enmeshed and mired down in this type of a proposal, on the theory that sooner or later they'd be telling me how to administer our courts.

Now, how do you get the judges involved in these areas without the usual pattern? Involving Federal money means some degree of regulation and participation in guidelines and some degree of loss of independence.

Mr. MERRIAM. Well, we have suggested, Congressman Ashbrook, in the next paragraph beyond the one you alluded to, the creation of a special court-planning group, which would be composed of State and local judges as well as court administrators, not Federal judges, in effect, draw up and formulate plans for court needs which should then be turned over to the SPA as, in effect, the court plan.

And the implication, as I said perhaps before you came in, was that the burden of proof would be put on the SPA as to whether any changes would be made in the court plan. I'd just like to point out to you that the judiciary, most certainly, must be involved in both the legislative process and it has been involved, in effect, in some of the executive process, whether we like it or not.

And if they are talking about the question of appropriations, as I also mentioned, you have to get money somewhere. If you're not getting it through the State legislature, you're getting it through the Congress and you are involved in the muddiness of appropriations one way or the other.

Now, it may be that the air is clearer here than in the State capitals, but I think that point could be argued.

Mr. ASHBROOK. Well, let's just go back to that same point. I read it hurriedly. On that same page:

> A 1975 report by the Special Study Team on LEAA Support of the state courts found that a larger share of action funds was generally awarded to court programs in states having judicial participation in the SPA's planning process.

Now, that's obvious. If you go along, you get the money.

Now, look down in the—this is what would scare the daylights out of me—in your last paragraph.

> While the SPA would scrutinize the court plan and the recommendations for implementation contained therein, the presumption is that the plan would be approved and funded in most cases.

Now, again, that's bureaucratise—that we get the money where the plans are the type that we like, go along with, that we can gently push you in this direction. Judges and courts generally aren't going along. I think the theory in our country is everybody feeds the alligator on the theory that it will be the last one to be eaten. You always think that you can do it.

And the same things that have happened to everyone else won't happen to you.

The same oppressive buildup of regulations, title 10's, title 9 type of provisions that effect schools, won't effect us. We can keep our hand in there and our hand won't get bitten.

I don't think that we can ask judges to really participate, but they operate in the real world of seeing what goes on where Federal funds are involved. Now, black and white, you're saying—you're sending telegrams that those that have judicial plans, those that have SPA plans that are approved will get the money and those that don't have plans that are approved won't get the money. While the SPA would scrutinize the plan, the presumption is the plan would be approved and funded in most cases. You know, that's exactly the kind of talk I'm referring to.

Mr. MERRIAM. I understand.

Mr. ASHBROOK. That's what gets them in that mood.

Mr. MERRIAM. No. I disagree, Congressman. I think that what we're saying here very clearly is that there is an interrelationship between the judicial operations at the State and local level and the police and prosecutorial and correctional operations and we are suggesting that the one really good thing—and I'm not at all bothered that you feel that that's too general—is that these groups are finaly working together, talking together, and are beginning to evolve some means whereby their actions one on the other, will be taken into account. Out of this, we are saying there will be a system of criminal justice, and not four different, separate-but-equal functions.

Mr. ASHBROOK. Well, I would just conclude—and obviously, as I say, I have great respect for you and I had the pleasure of watching you participate in various areas over the last 20 years—and this sounds more bureaucratic than I would have expected from you. And I guess the thing—there's almost a Plutonian principle in Federal funding, you know, that every expenditure in every grant is directly proportional to the degree—the square of the distance of the old Newtonian principle said that—going in the direction that the people who are giving out the money want. So the degree of money is almost directly proportional to the direction in which they go, if it's a favorable direction from the people who are handing out the funds.

And I can see great problems when you go to the judiciary and the courts and I would find it very easy to believe that it's going to be harder to get judicial representation—something that you're moving in the direction of advocating. That's just one person's opinion and I don't want to take any more time.

Mr. MERRIAM. The judiciary is not adverse, as I gather it, to accepting the Federal funds. The questions they have raised is as to what their share of those funds should be and how they should be transmitted to them. So to that extent, they're, if you'll forgive the expression, pregnant. So we're not arguing about whether Federal funds are somehow or other going to affect the judicial system. There's no argument on that subject.

The question is the manner in which they are funneled and the degree to which the judiciary's use of those funds should be tied in with the other uses. And I must say that the interrelated approach does not bother me as a philosophical principle.

Mr. ASHBROOK. OK. Thank you.

Mr. CONYERS. Chairman Merriam, this subcommittee needs more help in several areas. First of all, we need an understanding of what the problem of crime is. It's very hard to come up with solutions until you have figured out what the problem is.

And already in these hearings, hardly begun, we have witnesses that are always sure to tell us that it goes beyond LEAA; it goes beyond police; it goes beyond courts; it goes beyond the Justice Department. And I'd like to get something a little more tangible in that kind of description.

It also occurs to me that how many other people in law enforcement recognize that. There are some incredible attitudes bouncing around inside this sytem, and if we don't begin to examine them, I think we're all deluding ourselves about what good any amount of money coming in any kind of system is going to do.

We need help on analyzing why our programs and why our efforts thus far have failed to reduce crime, in plain language, minus bureaucratise, as Mr. Ashbrook would say. We don't even have any mention of the question of the obligation to enforce equal opportunity regulations in the Government which LEAA has flaunted arrogantly since its inception.

And one of the more fundamental principles, as I understand it, is that we'll never get on top of this problem unless we're involved specifically within the community. We need some evaluation in terms of how or why there has been a failure in this area and what we need to to to improve it. Can you help us there?

Mr. MERRIAM. Well, of course, you posed really a question in terms of the whole structure and fabric of our society, and in particular, the governmental side of it. Although quite clearly, that is only one part of it.

The Advisory Commission has expended a considerable amount of time in recent years, by way of example, in recommending some ways in which the structure of our public educational system can be improved. This is another very key part of this whole subject, as we all know.

You also have to get beyond that into the question of housing, its availability, recreational facilities, and training programs. What you're really asking is a total program for social evolution of our society. I'm not sure precisely whether it could be done short of a book. After all, we have to go into the whole interrelationships of man to his society and his Government.

It is not an easy subject. You are quite right. And one of the things I was trying to point out in my testimony was that, in my opinion, some peoples' hopes were raised too high when this program was initially instituted. This is true, if I may respectfully say so, of a number of other programs that we entered into. I think—in our enthusiasm, and understandably in terms of dealing with problems that we think have national import—we sometimes get carried away with our understanding of what will result from the expenditure of the dollars that come from the Federal Government.

And that's not limited to LEAA. I'm talking about housing and numerous other program areas.

Mr. CONYERS. Well, thank you. I think we scratched the surface anyway. I hope that we'll be able to work with your Commission as we continue these hearings.

Mr. MERRIAM. I would certainly want to make it very clear that the staff is available for whatever use you care to make of them. We will submit to you, if we have not done so, the full text of our report, which is still in galley proof. And I hope, Mr. Ashbrook, that you would read the full report which gets into specifics, which I have only summarized here today.

Mr. CONYERS. Thank you very much, gentlemen.

Mr. MERRIAM. Thank you.

Mr. CONYERS. We are next privileged to hear from the chief justice of Alabama, Justice Howell Heflin, who is additionally chairman of the Committee on Federal Assistance to State Courts, which is part of the Conference of Chief Justices of the United States. Justice Heflin comes to us with obviously a deep understanding of the criminal justice system.

He has pioneered an appellate court system which has attracted great and favorable comment to Alabama and he has been rewarded and distinguished by a number of recent appointments and honorary commissions.

We're very happy to have you here, Justice Heflin. It's good to see you again. We appreciate the time that it took you to prepare your statement, in addition to your numerous court duties. It will be incorporated into the record at this point, and that will give you a chance to give us your views about a subject matter that is increasingly a concern of this committee: Namely, what role is the judiciary to play in LEAA?

[The prepared statement of Hon. Howell Heflin follows:]

STATEMENT OF CHIEF JUSTICE HOWELL HEFLIN, CHAIRMAN, FEDERAL FUNDING COMMITTEE, CONFERENCE OF CHIEF JUSTICES

In 1973, 1974 and 1975, the Conference of Chief Justices at its annual meeting unanimously adopted resolutions expressing dissatisfaction with the operation of the LEAA Program. The resolutions adopted at the annual meetings in 1974 and 1975 urged congressional changes in the LEAA Act. During the past 3 years many other judicial organizations including the National Conference of State Trial Judges and the National Conference of State Court Administrators have adopted similar resolutions. In February 1975 the American Bar Association included in a resolution the following:

" * * * That Congress is urged to amend the LEAA Act so as to provide reasonable and adequate augmenting funds to state court systems under a procedure by which political pressures on state judges are not invited and by which the independence of state court systems and the separation of powers doctrine are maintained and fostered, bearing in mind that plans and projects for the improvement of state judicial systems should be developed and determined by the respective state court systems themselves; * * * "

After Mr. Richard Velde became the Administrator of LEAA, he commissioned a study of the problems that state courts have had with the LEAA Program. The study commission was chaired by John F. X. Irving, the former State Director of the Illinois Law Enforcement Planning Agency and now Dean of the Law School at Seaton Hall University. The findings contained in the report of the Irving Commission substantially supported the charges made by judges throughout the nation relative to the operation of the LEAA Program.

Richard Velde conducted a series of conferences between representatives of the Conference of Chief Justices, Conference of State Court Administrators, Conference of State Trial Judges, and other judicial organizations and the National Association of State Planning Agencies Directors for the purpose of endeavoring to reach a consensus on a program to improve the relationships of courts with LEAA in the future. It was hoped that, as a result of these conferences, the SPA in each State would establish plans designed to ease the tensions which have developed between the state court system and the state planning agency.

After all of this activity, it was anticipated that some program would be developed to give courts a better position in the so-called "comprehensiveness" of state planning agencies' yearly plans. However, to my amazement, I recently learned unofficially from officials in LEAA that a study of 1976 annual plans submitted by the state planning agencies to LEAA did not show an increase in the allocation of funds to courts but, instead, revealed a reduction of the percentage of state block money from approximately 6% in 1975 to approximately 5% in 1976.

Reports indicate that there may be a substantial congressional cut-back in the funds made available to the states under the LEAA Act next year. Tough competition for present LEAA funds by all elements in the criminal justice system is a way of life now. If there is to be a comprehensive LEAA Program for each state where courts are adequately included, it is inescapable that it will take congressional action and direction to accomplish this goal. The SPA just will not adequately provide for courts in most states.

I testified before the Subcommittee on Criminal Laws and Procedures of the United States Senate Committee on the Judiciary on October 22, 1975. I would like to incorporate as part of my testimony here my statement which was filed with that subcommittee.

In the time remaining, I want to direct your attention to three areas of concern: the separation of powers doctrine, the adequate allotment of funds for courts, and a reasonable representation of judicial officials on state planning boards and their executive committees.

In approaching the separation of powers problem, I would like to pose to the members of this committee the following question:

> Is there anyone on this committee who feels that, under our constitutional concept of separation of powers, the President of the United States and/or his appointed executive agents have got the right to tell the federal judiciary, including the Supreme Court of the United States, "Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will receive only the funds that we want to give you?"

I don't believe there is a single member of this committee who can answer the question affirmatively. Congress has established for the federal judiciary a judicial planning and training agency which is separate and apart from the executive branch of the federal government. This agency is known as the Federal Judicial Center. Congress recognized the separation of powers problems between the judicial and executive branch when it created the Administrative Office of the U.S. Courts.

The National Conference of Chief Justices wants the state judiciaries to be treated in the same manner with regard to separation of powers between the executive branch of government and the judicial branch. Instead of recognizing the separation of powers doctrine of each state, Congress has in the past not only authorized but directed the governor of each state or his appointed executive agents to tell its judiciary:

"Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will receive only the LEAA funds that we want to give you."

The time has come to correct this defect in the LEAA Program. The Conference of Chief Justices urges Congress to amend the LEAA Act to provide that court improvement plans and projects be developed and determined by an independent judicial planning entity, designated or created by the Court of Last Resort of each state.

Next, the Conference of Chief Justices urges Congress to assure that a reasonable and adequate portion of all LEAA funds, including state block grants and national scope discretionary funds, will be designated for the improvement of the courts of the states. In the past Congress, in its efforts to remedy the failure of state planning agencies to comprehensively plan for particular elements of the criminal justice system, has used categorical grants in dealing with the problems of corrections and juvenile justice. H.R. 8967, which has been referred to as the Rodino Bill, proposes a system by which 10% of state block grant funds are designated for court purposes, with the funding of an additional 10% to state court systems through a national scope discretionary program. The Conference of Chief Justices has adopted a resolution advocating the adoption of this plan and this approach.

Reports indicate that there is considerable opposition to the use by Congress of a designated percentage across the board for all states for one of the elements of the criminal justice system. It is up to Congress, of course, to determine the method to be used. However, it appears to be inescapable that, if Congress desires to provide

courts with an adequate and reasonable portion of LEAA funds, it must take affirmative steps to remove from the state planning agencies the right to determine the percentage or portion of state block grant funds that courts will receive. If 8 years of history means anything, then it is clear that, in most states, courts will not receive a fair or reasonable percentage of funds if the present system of determining allocations continues.

In the event Congress does not pursue the categorical grant approach for courts, it is essential that Congress come up with an alternative which will remove from the SPA the determination of amount, proportion, or percentage of state block grant monies that courts will receive. While independent judicial planning entities are essential to prevent separation of powers violations, still an independent judicial planning entity without a reasonable allocation of funds determined in advance can do little to fight the battles of court congestion and court improvement.

The third area I would like to direct your attention to involves judicial representation on state planning agencies boards and their executive committees. The Rodino Bill calls for one-third representation of judicial officials on such boards. A resolution adopted by the American Bar Association on February 16, 1976, urges Congress to amend the LEAA Act to provide that judicial representation of a minimum of one-third be required on each state planning agency board and the executive committees thereof, with the judicial representatives being appointed by the court of last resort. The Conference of Chief Justices advocates that at least one-third of the membership of state planning agencies boards and executive committees be representatives of the third and equal branch of state government.

In conclusion, I would like to take this opportunity to voice my personal opinion and desire that the LEAA Program will be continued by Congress. The LEAA Program has had a tremendous impact on the criminal justice system in each of the states. It has provided leadership, planning and funding for the states to undertake programs which were sorely neglected before the passage of the Omnibus Crime Control and Safe Streets Act of 1968. If the LEAA Program was terminated today, it would, nevertheless, leave a legacy in the many improvements that have occurred in law enforcement, courts and corrections. However, as we have previously pointed out, the program can stand improvement and comprehensiveness, particularly in regards to courts. Hopefully, Congress will take the necessary steps to remedy these ills of the LEAA Program.

STATEMENT OF CHIEF JUSTICE HOWELL HEFLIN, ALABAMA, CHAIRMAN, FEDERAL FUNDING COMMITTEE OF CONFERENCE OF CHIEF JUSTICES BEFORE THE SUBCOMMITTEE ON CRIMINAL LAWS AND PROCEDURES, SENATE COMMITTEE ON THE JUDICIARY ON THE CRIME CONTROL ACT

It is my pleasure and honor to be the official spokesman for the Conference of Chief Justices at this hearing. The Conference of Chief Justices is a national organization composed of the highest judicial officers of the states and certain territorial governments.

For the past three years the Conference of Chief Justices has unanimously adopted resolutions expressing dissatisfaction with the operation of the LEAA program. The resolutions adopted at the annual meetings in 1974 and 1975 call for congressional changes in the LEAA Act. The American Bar Association, the National Conference of State Trial Judges and the National Conference of State Court Administrators have adopted similar resolutions.

While the chief justices are critical of the LEAA program as it relates to courts, they would like to make it clear that they appreciate the cooperative attitude and attention Mr. Richard Velde, the Administrator of the Law Enforcement Assistance Administration, has shown to court problems. In fact, after his appearance at the 1974 meeting of the chief justices, Mr. Velde commissioned a study of the problems of courts with the LEAA program to be made under the aegis of American University. The chairman of this study commission was John F. X. Irving, the former state director of the Illinois Law Enforcement Planning Agency and now Dean of the Law School at Seaton Hall University. Among the findings contained in the Report of this Irving Commission, which was published in March of this year (1975), are the following:

"Planning by state planning agencies for the judicial branch is uneven in commitment and scope and raises constitutional problems caused by the SPA's responsibility to plan comprehensively for the total system. Courts have had the lowest level of participation in the LEAA support program of the three criminal justice system components."

* * * * * * *

"Concern about erosion of the independent and equal status of the judiciary as an equal branch of Government under the present LEAA administrative structure is reaching crisis proportions."

"Court planning in most jurisdictions is ill developed. Even where court systems have a planning capability, it is of recent origin and is generally embryonic in nature.

"A primary need for court improvement is at the trial and municipal court levels, yet LEAA money is only trickling down to those courts which have the most serious day to day problems of case management. * * *"

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"The state planning agencies have tended to superimpose their programming concepts on the state court systems. State planning agencies tend to ignore the courts or to give them a subordinate role in the LEAA program.

"There is little court representation on the state and regional planning agency boards. Where judges are appointed to such boards, they are often not deemed to be official representatives of the court system but are selected by the Governor without consultation with the relevant court leadership. * * *

"Almost universally, the study team found that judges and other members of the court community appeared to have deep resentment at so-called 'interference' by those outside (whether the SPA or LEAA) dictating what is good for the courts. * * *

"Universally, courts have received considerably less financial support than LEAA has claimed. In Georgia, for example, 13 per cent of its FY 72 block grant funds were attributed to the 'courts'. The percentage actually spent on the courts, as narrowly defined, was 2.2 per cent. These funds are obviously inequitable and insufficient. Much of these discrepancy arises because LEAA counts grants to prosecution, defense, information systems, and other programs as grants to the courts."

* * * * * * *

"From the national office of LEAA down to the lowest local planning board, there is a disturbing shortage of court specialists and few devote full-time to this responsibility. * * * *"

The above-quoted findings selected from the report of the study commissioned by LEAA itself illustrates what state court systems have experienced with the LEAA program. While I am not in complete agreement with many of the phases of the report of the Irving Commission, nevertheless, the above-quoted sections point out many of the short-comings of the LEAA program. Time doesn't permit me to discuss all the ills of the LEAA program so I will limit my discussion to three problem areas.

The first problem area that I will mention is "politics." While it is not unusual for participants in the executive and legislative branches of state government to engage in activities known as "log-rolling," "back-scratching," "name-calling," "knife-back-stabbing," "mud-slinging," "political intimidation" and "compromise" while involved in political arenas and particularly in the appropriation pit of state government, the judiciary should at all times be removed and protected from such political activities. However, the LEAA program is organized in such a manner that state court systems and judges are placed in an arena of political competition for federal funds with numerous agencies of the executive branch of state government, including police, corrections, probation, prison and prosecutorial agencies. To compound this dilemma the decision-making power as to the granting of LEAA funds in this pit of competition is subject to complete control by an executive body or commission. In other words, the umpires and the opposing competing players are all on the same team. Such a system affords the opportunity for the exertion of political pressures on judges at every level and creates an atmosphere conducive to political entanglements. To state it mildly the LEAA program increases the potential for compromising the integrity, impartiality and independence of the courts.

Next, the LEAA program is bringing about an erosion of the concept that the judiciary is a separate and independent branch of government. This argument has been voiced to LEAA officials by judges many times but it seems to have fallen on deaf ears. Hopefully, it will not fall on deaf ears here for if there are any students of government who should be knowledgeable about the constitutional concept of the separation of powers they should be the members of the Senate and House Judiciary Committees.

Each state in the Union has language in its constitution, which from the very beginning of its statehood has been interpreted to provide for the separation of powers. The LEAA program as presently structured by Congress and administered within the borders of a state by an executive agency violates this constitutional doctrine. Perhaps I can make this point clearer and more emphatic by asking you three questions.

First, is there anyone on this committee who feels that, under our constitutional concept of separation of powers, the President of the United States and/or his appointed executive agents have got the right to tell the federal judiciary, including the Supreme Court of the United States, "Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will get no funds"?

The second question is this: Is there anyone on this committee who believes or thinks that, under our constitutional concept of separation of powers, the governor of any state or his appointed executive agents have got the right to tell the judiciary of a state, "Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will get no funds"?

The last question is one that strikes at the very heart of the present LEAA program. Is there anyone on this committee who feels that, under our constitutional concept of separation of powers, the governor of any state or his appointed executive agents have got the right to tell the judiciary of a state, "Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will receive only the funds that we want to give you"?

I don't believe there is any member of this committee who can conscientiously answer any one of those three questions affirmatively. But Congress, by its LEAA program, has affirmatively provided a program through which the separation of powers doctrine of each state has been violated and will continue to be violated unless that program is changed.

The next problem area is the "short-changing" of courts in regard to LEAA funding. There seems to be no doubt that courts have received a disproportionately small amount of funds when compared with the other components of the criminal justice system.

When we analyze LEAA funding we find that there are two varying definitions of the word "courts". One definition would include within its scope prosecution, defense, probation, pre-trial diversion, criminal law reform, and various other functions which with few exceptions are normally under the jurisdiction of the executive branch. On the other hand, when the chief justices refer to the term "courts," they are thinking of programs which come under the jurisdiction of the judicial branch alone and that normally are funded in state judicial budgets. These programs do not include prosecutions, defense, probation, etc. Thus there are two "court" categories—one is LEAA's broad definition of courts and the other is the limited definition which refers to the judicial function only. So it is wise whenever the term "courts" is used in regard to statistics to ascertain which category of "courts" is being referred to.

A debate has been going on for several years as to how much money LEAA has placed in the second category. LEAA published information that reflected, according to its computerized Grants Management Information System (which is usually referred to as GMIS), that courts in their pure sense received 5.12% of LEAA monies in the fiscal year 1971 and that "purely courts" percentage declined to 3.61% in the fiscal year 1973. However, when confronted with the smallness of these figures the agency took another look and its computer came out with a figure that stated that about 17% was spent on purely court projects. An analysis of the computerized print-outs reveal that more than two-thirds of these "purely court" projects turned out to be such things as "alternatives to institutionalization," "community based detention," "pre-trial detention, "investigatory units," "youth services programs," "probation programs" and other non-judicial services. LEAA stopped using this figure after it became convinced that the figure was unreliable.

Now it is my understanding that LEAA contends that the correct figure for current LEAA spending for courts is 16%, but candidly admits that this includes non-judicial functions and that the applicable category is the broad-definition one. Frankly, it appears that under the present method of keeping statistics it is impossible for LEAA to give an accurate figure as to the percentage of LEAA funding that goes to courts alone.

It is the judgment of the chief justices and of the state court administrators based on their actual experience in their states, that the judicial-branch share now averages about 6%. Some states receive more and some states less. For instance,

"the courts of Rhode Island have received no more than 3% of the state block funds" according to a statement filed with this committee by Chief Justice Thomas H. Roberts. While the Irving Commission did not study each state, a sampling analysis brought them to the following conclusion:

"Universally, courts have received considerably less financial support than LEAA has claimed. In Georgia, for example, 13 per cent of its FY 72 block grant funds were attributed to the 'courts'. The percentage actually spent on the courts, as narrowly defined, was 2.2 per cent. These funds are obviously inequitable and insufficient. Much of this discrepancy arises because LEAA counts grants to prosecution, defense, information systems, and other programs as grants to the courts."

It is my opinion that LEAA Administrator Richard Velde is alarmed by the lack of reliability of LEAA statistics as they relate to courts and that he honestly desires to ascertain correct statistics. He has just recently commissioned a study to be made by the American University to determine state by state what courts have actually received for the 1972–75 fiscal years and to refine the GMIS so that it can more precisely account for spending in the courts area.

The chief justices and court administrators are convinced that both "courts" in its judicial definition sense and "courts" in its broad LEAA definition sense, have received inadequate and disproportionate funding throughout LEAA's history. There are many reasons for this short-changing of courts. It is inescapable that executive control at the state level is the major reason. There are also reasons that originate in judges themselves. Frankly, there are some states where the judicial leadership is most reluctant to become embroiled in the politics of an executive agency.

The Irving Commission's conclusion of the effect of the LEAA program upon state courts is contained in these words:

"By and large these courts have not received the interest, technical assistance or financial support from LEAA that are absolutely essential for sound growth and progress. In fact, since the initiation of the federal war on crime in 1968, many state courts have fallen further and further behind in their ability to relate to rising crime rates and to the more sophisticated police, prosecutors, defenders, and correctional personnel who have received generous support."

Since the LEAA program has contributed directly or indirectly to some improvement in the judicial system of almost every state and to marked improvement in a few states, such as Alabama, I am not in complete agreement with the last-quoted excerpt from the Irving Commission's report. However, it is inescapable that the judicial branch has been the area receiving the least interest, technical assistance, and financial support of the LEAA program at the state level.

I would next like to direct your attention to how these problems can be solved. The Conference of Chief Justices is firm in its position that it is impossible to bring about the needed improvement in and to the court systems of the states under the present congressional act and that, therefore, changes in the legislation are necessary. Two approaches to legislative change were given consideration by the Conference of Chief Justices and the Conference of State Court Administrators.

The first approach was to propose to Congress a new congressional act, designed to bring about improvement in the court systems of the states, which would create a new administrative agency completely disassociated from LEAA. The second approach was to recommend an amendment to the LEAA Act which would provide for separate treatment for the judicial system and which would be referred to as "Part F." This amendment would be similar to the amendments that created special parts of the act for corrections and juvenile justice.

The decision was made to follow the second approach. The decision to pursue this second alternative was made for a number of reasons. First, it was felt that Congress would dislike the idea of the creation of a new bureaucratic agency. Next, it was felt that Congress would not be receptive to a new, separate program for state courts when it would be possible for the program to be administered within the organizational framework of LEAA. Finally, since Congress had given priority to corrections and juvenile justice through amendments to the basic act, it was felt that Congress would be more receptive to a similar approach for courts.

The Conference of Chief Justices urges Congress to adopt the proposed amendment to the Omnibus Crime Control and Safe Streets Act of 1968 which was introduced by Congressman Peter Rodino at the request of the Conference of Chief Justices and which is now referred to as H.R. 8967. In lieu of spending a long period of time explaining the details of our proposal, I have attached as

exhibits to this statement three documents. Exhibit "A" is a nontechnical explanation of H.R. 8967; Exhibit "B" is a copy of H.R. 8967; and Exhibit "C" is a technical explanation of that bill.

If the chief justices are in error as to the receptiveness of Congress to the "Part F" amendment approach we urge this committee to consider alternatives. In any state court improvement act, regardless of whether it be by amendment to the basic act or by separate and independent legislation, certain basic principles and guidelines should be considered. The following principles and guidelines, which are listed in numerical order, but without intent to give priority to one over the other, should be considered:

1. Courts and judges should be removed and protected from political activities that are prevalent at the state level in the arena of competition for LEAA funds.
2. The provisions of a court improvement act or amendment should be written in keeping with both the separation of powers doctrine of the state constitutions and the principles of federalism.
3. Provision should be made for courts to receive a reasonable and equitable share of total funds provided by Congress.
4. A multi-year comprehensive plan for court improvement should be developed by the judiciary of each state and approved by the state planning agency and the national office of LEAA.
5. Responsibility for planning and funding of court improvement projects in a state should be vested with the judicial branch in accordance with the multi-year comprehensive plan.
6. Provisions should be made for liaison between the judicial branch and the state planning agency in order that comprehensive planning for the entire criminal justice system can be coordinated.
7. Adequate representation from the judiciary on the state planning agency board should be required. Such representation should assist in the liaison and coordination between the judicial branch and other components in the criminal justice field.
8. Courts should have priority over the other elements in the criminal justice field for a limited number of years in order to "catch-up."
9. A reserve to supplement state block grants designated for courts should be established so that there will be flexibility in funding to assist those states that demonstrate a willingness and an ability to bring about improvement where the state block grants are inadequate and to assist those states that have just begun court improvement planning.
10. Planning and funding should be made applicable to all trial and appellate courts, not just criminal courts, since improvements in all courts are sorely needed and since all courts interrelate directly or indirectly with the criminal justice system.
11. Provision should be made to support the work of national organizations associated with court improvement such as The National College of State Judiciary, American Academy of Judicial Education, American Judicature Society and other similar organizations.
12. Particular attention should be given to the National Center for State Courts. In March of 1971 the National Conference of the Judiciary was held at Williamsburg, Virginia. There all elements from the judicial branch came together from the different states to discuss court problems. Chief Justice Warren Burger recommended to that group that there be created a National Center for State Courts which would have responsibilities similar to those of the Federal Judicial Center. Such an organization is now in existence. It is the country's only comprehensive national court organization. It serves as an agency to conduct research for state judicial systems.

Training of state and local judges and their administrative personnel is another undertaking of this organization. It serves as a national clearing house for the exhaustive amount of information about court problems and provides leadership in court modernization efforts. Hopefully, the states will eventually assume financing of this organization as they have the National Conference of Governors and the National Conference of State Legislatures. However, it is apparent that it will be some time before state legislatures will approve such funding. This organization is presently almost entirely dependent upon LEAA financing and programs. The Conference of Chief Justices earnestly recommends to Congress that provision be made for the funding of this organization free of any federal control for a short period of years until the states can be convinced to assume the funding responsibility.

In conclusion, I would like to take this opportunity to voice my personal hope and desire that the LEAA program will be continued by Congress. The LEAA program has had a tremendous impact on the criminal justice system in each of the states. It has provided leadership, planning and funding for the states to undertake programs which were sorely neglected before the passage of the Omnibus Crime Control and Safe Streets Act of 1968. If the LEAA program was terminated today it would, nevertheless, leave a legacy in the many improvements that have occurred in law enforcement, courts and corrections. Hopefully, Congress will not terminate this program but improve it. With improvement in the congressional act the program can be much more effective.

My presentation would be incomplete if I did not praise the work of Richard Velde, the Administrator of LEAA. He impresses me as being most concerned about the problems in the criminal justice field, including court problems, and willing at all times to listen. I find Mr. Velde to be extremely objective and attentive to the concerns voiced by the Conference of Chief Justices. I realize that we are adversaries before Congress since he opposes the changes in the legislation which the Conference of Chief Justices propose, but, nevertheless, I feel that I should make known to Congress that he has been the most cooperative administrator with whom court organizations, like the Conference of Chief Justices, have dealt. I feel towards Mr. Velde as I do towards an attorney in my home area of Alabama. It seems like every time I was involved in a lawsuit before I went on the bench I found this lawyer at the opposing counsel table. We would approach the issues as adversaries and each fight as hard as we possibly could to win. Regardless of the heat generated by the courtroom battle I never lost respect for my opponent for he was truly a professional. He was a great advocate and a tough opponent, but, above all, he was always a gentleman. I can say the same about "Pete" Velde.

TESTIMONY OF CHIEF JUSTICE HOWELL HEFLIN, ALABAMA CHAIRMAN, FEDERAL FUNDING COMMITTEE OF THE CONFERENCE OF CHIEF JUSTICES

Chief Justice HEFLIN. Thank you, Mr. Chairman. I was privileged to hear the testimony that just was presented. It's my understanding that the Advisory Commission on Intergovernmental Relationships does not have any judicial members. It would appear to me that such a Commission has a void since it has no judicial members. It is my understanding that the Commission did not seek the advice or views of judges in their study of the LEAA program.

It was interesting to hear some of the comments this morning. I would like to take a minute or two to make a general statement. I feel the matter of crime prevention is essential if you're going to reduce crime.

There are some efforts being made in the United States today in which you might be interested. First—in regards to school education—there is a movement to reform the curriculum as it applies to low-related courses.

Most elementary, junior high, and high schools have a civics course—maybe a little bit of economics—but now there is the beginning of a movement to teach school children their rights and their responsibilities as citizens. This movement has received some financial support from LEAA.

I would suggest you contact the National Conference of Law-Focused Education in Chicago and the American Bar Association about this movement. To me, school curriculum reform designed to spotlight law in American society affords an excellent opportunity to improve law observance among the youth of this Nation.

We are planning in Alabama a citizens conference on crime prevention this spring. Hopefully it will generate activity on the part of citizens designed to reduce crime.

Of course, the reason I am here is to represent the Conference of Chief Justices and to speak in its behalf on the problems of the LEAA program. The point that Mr. Ashbrook brought up is most important. The independence of the State judiciaries, we feel, must be recognized. In the bill which was introduced by Mr. Rodino—H.R. 5967—which was at the request of the Conference of Chief Justices, there is a statement that Congress finds that the principles of federalism essential to the Constitution of the United States requires that the State courts be improved according to plans developed by the States rather than the National Government. It further recites that Congress finds that the independence of the judicial branch is a vital aspect of the separation of powers embodied in the Constitution of the several States, as well as that of the Federal Government. It continues by stating that the State court system can be improved only by both recognizing the essential State and local nature of the problem and respecting the division of authorities among the coordinate branches of State government.

The chief justices feel that there should certainly be no Federal strings attached as it is applied to the State judiciary as may have occurred in other endeavors in the past.

Mr. CONYERS. How come?

Chief Justice HEFLIN. No. 1, as to the operation of the courts from a judicial decisionmaking function, State courts are controlled by decisions of the U.S. Supreme Court on Federal constitutional issues. State courts should and do follow such opinions.

But as to the organization, structure, and operation of State courts, these are matters which should be developed and controlled by the judiciary within each State. Congress has separated the executive branch from the judicial branch by creating a planning and training agency within the Federal judicial branch known as the Federal Judicial Center. You also have separated from your executive branch your Administrative Office of the U.S. Courts. And in effect, what State court systems are asking for is that the concept of separation of powers should be recognized not only in the Federal Government but also in State government.

To point out some of the problems that we have had with the LEAA program, the Conference of Chief Justices for 3 years have adopted unanimously resoultions expressing dissatisfaction with the LEAA program as it applies to courts. In the past 2 years, 1974 and 1975, the resolution called for congressional change. When Mr. Velde, the Administrator, took office, he attended one of the conferences of the chief justices, and immediately thereafter became interested in trying to have a colloquy between the State courts and LEAA.

And as a result of his concern, he commissioned a study under the aegis of the American University, which was chaired by Dean Irving, who will also testify today. The report of that Commission substantially supported the charges of State judges.

Following the report of that Commission, a number of conferences between representatives of national court organizations and representatives of the organization of the State planning agency administrators were held with Mr. Velde present. The State planning agency administrators met in June, and approved some of the recommendations of the Irving Commission, including one that courts should be

given top priority. After all of this activity, we felt that some improvement would occur.

Then to my utter amazement, just recently, I have been unofficially informed that a study of the 1976 annual plans submitted by the State planning agencies to the LEAA did not show an increase in the allocation of funds to courts, but instead revealed a reduction of the percentage of State block money from approximately 6 percent in 1975 to approximately 5 percent in 1976.

Mr. CONYERS. Well, maybe the administration did it.

Chief Justice HEFLIN. No. This reflects the composite attitude of the State planning agencies. Each SPA submits an annual plan which reflects the annual allocation of moneys to the various elements in the criminal justice system. And my information from an LEAA official is that, after all of this talk about court emphasis, there was a decrease in the amount of money that has been allocated to courts and to court improvements by the SPA's throughout the country.

Mr. CONYERS. Well, let me put it another way. Maybe the White House doesn't like it. Maybe they support that idea.

Chief Justice HEFLIN. Well, I don't think this would come from Washington. I think this is what is coming from each of the States, from the State planning agency within each State.

Mr. CONYERS. So they become a new power in and of themselves that would help determine what this Federal policy is going to be?

Chief Justice HEFLIN. Well, they——

Mr. CONYERS. In advance of the Congress.

Chief Justice HEFLIN. Well, under the present program, the entire use of LEAA funds within a State is determined by a State planning agency. I point out that while there has been a lot of talk about emphasis on courts, the reverse has occurred.

I apologize for my statement. I only had a very short time to prepare it and I really would like to polish it up before it's finally filed. But I would like to direct your attention to three problem areas: One is the separation of powers doctrine.

Perhaps I can best put that in focus by asking the question: Is there anyone on this committee that feels that under our constitutional concept of the separation of powers that the President of the United States or his appointed executive agents have got the right to tell the Federal judiciary, including the Supreme Court of the United States, "Either you plan, organize or operate your courts in accordance with our plans or wishes or else you'll receive only the funds that we want to give you."?

Now, if there had been such executive control over the U.S. Supreme Court, I wonder what the Watergate tape decision might have been.

Mr. CONYERS. I was just going to remind you that that's a very interesting question to pose to members of this subcommittee, who have constituted a part of the Impeachment Committee. And I'm glad you posed that as a hypothetical because that would be another set of hearings in trying to frame a response for you on that question.

Chief Justice HEFLIN. Congress, as I have pointed out, established, separate from the executive branch, an administrative office of courts that handles administrative matters. The Federal judiciary has a separate judicial planning and training agency, which is called the Federal Judicial Center. And all we seek is to be treated in the same manner in regards to the separation of powers.

Instead of recognizing the separation of powers doctrine of each State, Congress in the past has not only authorized, but directed the Governor of each State or his appointed executive agents to tell its judiciary, "Either you plan, organize, or operate your courts in accordance with our wishes and plans, or else you'll receive only the LEAA funds that we want to give you."

Now, we feel the time has come to correct this defect in the LEAA program. We advocated that there be an independent judicial planning entity. Frankly, when we approached this problem originally there were a number of chief justices and other judicial officers that felt there ought to be a separate Federal program for the improvement of courts, entirely separate from LEAA.

But we were told that there were people in Congress who would object to the creation of another entity or a bureau. So it's felt that a court improvement program could be administered effectively by LEAA but in keeping with the separation of powers doctrine. And so the concept as contained in the Rodino bill attempts to do just that.

Now, the next matter to which I would like to direct your attention is the question of categorical grants. Congress in the past has in effect said, "All right, State planning agencies have not given attention to certain areas that need attention so we will require that a percentage be allocated to insure that attention is given." You've said, "All right, corrections need more attention." Next Congress said, "Juvenile justice needs more attention."

So State judges attempted, in drafting a bill, to follow patterns Congress had set in the past by the use of a percentage of moneys. Now, we understand that there is considerable opposition to the idea of continuing categorical grants. Our position, of course, is that we support a categorical grant for courts. But in the event Congress, in its wisdom, feels that it should not continue to follow this pattern, then we feel that it's up to Congress to determine a method by which there will be sums of money set aside for courts, because it's inescapable that if Congress wants to provide a courts emphasis program then it must take affirmative steps to remove from the State planning agency the right to determine the percentage or the portion of State bloc funds that courts will receive. If 7 or 8 years of history mean anything, then it is clear that, in most States, courts will not receive a fair or a reasonable percentage of funds if the present system of determining allocation to the courts continues.

Now, in the event Congress does not follow the categorical grant approach for courts, it's essential that Congress come up with an alternative which will remove from the SPA the determination of the amount or allotment of State bloc grant moneys that the courts will receive.

Now, you can give us an independent judicial planning entity, which is needed, but if we're going to attack the problems of court congestion and the problems of court reform, courts can do very little to win these battles if courts do not have adequate funds.

It is our judgment, after these 7 or 8 years of experience, that if it's left to the SPA's, courts will not receive a fair share. Another reason for this fear is that there is a lot of talk about a congressional cutback in the amount of LEAA funds that will be made available to the States.

Already there is tough competition between all elements of the LEAA program at a State level. There is backscratching; there is log-

rolling. All sorts of such activity will continue with increased intensity so that other elements of the criminal justice system can keep and continue their programs that are in existence at this time. With increased competition for LEAA funds I feel courts will continue to be shortchanged. Courts should never get into the arena of competition or into the pit of competition and have to fight other elements for funds. Whenever courts get into a pit of competition, inevitably an atmosphere is created which is conducive to political influences. This would be abhorrent to think about.

Now, the other matter is a question of representation of judicial members on the SPA boards. In most of the States, there has been very little representation of judicial members. There are people who say, "Well, this is a question of the separation of powers also." Under the Canons of Ethics, which the Federal judges operate under and which the State supreme courts have adopted for practically all of the 50 States, there is an encouragement to participate in and become members, officers, or officials of various boards and commissions which are designed to improve the legal system or to improve the administration of justice.

And so we feel that there has been a determination by the U.S. courts and by the State courts that the participation by judges in an overall program to improve the legal system is not violative of the separation of powers doctrine. However the courts should be protected. They should be protected from the politics of SPA's. We feel that courts ought to be further protected by having an independent judicial planning group and by having a method by which fund allocations are determined, whether it be categorical grants or by a method on a State-by-State basis. There should be a different method that determines the amount of money that is allocated to the courts rather than the present method.

Mr. CONYERS. Well, it sounds like you want it both ways, Mr. Chief Justice. You'd like to have an isolated Federal funding on behalf of the courts and you'd also like to have some representation, although you don't want to get into politics.

Now, there are only six little positives that Chairman Merriam of the Advisory Commission preceding you was able to serve up as reasons for continuing the multibillion-dollar program. Two of these would be knocked out, as weak as they are, if we follow your suggestion. Because he claimed that on the positive side, one of the big advances coming out of this program was that chief executives and elected and legislative officials and criminal justice professionals—I guess you'd fall into that category—and the general public have gained a greater appreciation of the complexity of the crime problem and the needs of the different components.

That's No. 1. If we separate you out independently, then all of this great understanding is going to be floating out on a separate constellation somewhere, like that Governor Brown chart. Then item 6 might also be jeopardized—that many elected chief executives and legislators have been able to cooperate and understand roughly the need for them to work together in solving the crime problem. But how can we rationalize taking a component as vital as the judiciary outside of a program that seems to be hopelessly fragmented already?

Chief Justice HEFLIN. Well, as I said earlier, some of our members wanted a completely separate program. However, the majority of

the members went along with the Rodino bill which provides for a separate planning entity in regards to the judiciary within the framework of the LEAA program.

At the same time, the Rodino bill calls for one-third representation on the State planning boards. Now, I think judges can participate in the overall criminal justice program and provide some rather good expertise. I think they are in a position to lend help to the overall program.

Mr. CONYERS. I yield now and turn the chair over to the gentleman from South Carolina, Mr. Mann.

Mr. MANN. Thank you, Mr. Chairman.

I fully appreciate what you are saying about the separation of powers, but let me needle you about it a little bit. You lobby with the State legislature pretty effectively, I imagine.

Chief Justice HEFLIN. Well, in connection with the constitutional separation of powers doctrine, there is a check and balance concept. There is nothing that I know of that says that the executive branch is to constitute one of the checks or be involved in the balance against the judiciary.

On the other hand, the legislative branch has always been considered a part of the checks and balance system as it is applicable to courts.

Mr. MANN. Now, it is a distressing fact that in the aggregate the requests through State planning agencies or the State plan as developed for 1976 is a reduction over 1975 in spite of the fact that I see an emerging effort to upgrade, improve, and reform the court system.

Now, to what do you attribute that—as long as we know that perhaps we aren't understood well—but to what do you attribute that fact to?

Chief Justice HEFLIN. What do I attribute the movement that has taken place in the State governments today to reform judicial——

Mr. MANN. No, no—that State agencies or a State planning agency to whom we will attribute this result of reduced requests for courts, to what do you generally attribute that result?

Chief Justice HEFLIN. They are basically political animals. However, I do not use that term to degrade them. The word "animal" is probably not the proper word. I merely point out that most SPAs live by the political sword. Courts don't. In some States legislatures have approached the appropriation process with the attitude: "You scratch my back; I'll scratch yours" as to certain projects. A Governor usually gets his pet projects funded.

Politics, I think, is basically creeping in and permeating the State planning agencies.

Mr. MANN. Well, it's obvious that you don't want to take your chances with an increased block grant system, as recommended by the Intergovernmental Advisory Commission and I can understand that. Or would you take your chances if you had the representation of the State planning agency?

Chief Justice HEFLIN. I'm not familiar with what they recommended. I did not understand that they recommended that there be additional Federal funds over and above——

Mr. MANN. They would tend to disapprove, although specifically they may have given some lip service. They would tend to disapprove

categorical grants to any segment that would leave it to the State planning agencies.

Chief Justice HEFLIN. Well, we—first, our position is that you should do to courts what you've done to corrections and to juvenile justice. And I might say this: I understand that before the Senate Subcommittee on Criminal Laws and Procedure, the Attorney General was asked by a member of that committee, "What do you think should be done to reduce crime?" And his reply was: "Sure and swift disposition of cases and sure and swift punishment of the guilty."

And he turned to Mr. Velde and said, "How much is being given to courts?" And Mr. Velde indicated 16 percent, which was for a broad category of courts—not just solely courts, but included prosecution, defense, law reform, and probation.

Some of the committee members expressed, at that time, amazement that such a low percentage was being spent for this priority to reduce crime. Now, in approaching it, either a categorical grant or some method to change the present system is essential. I don't profess to have all of the answers. And I hope that Congress can come up to an answer.

But I know this: That if you continue the present system of letting the SPAs determine the amount or percentage of the funds of LEAA within the State to go to the courts, the courts are going to get the short end of the stick.

Mr. MANN. And, of course, that is a sad commentary. But on the other hand, why should the Federal Government determine within each State, or on a minimum standard for all States, what the status of their court system is vis-a-vis other parts of the law enforcement system, which is what we would be doing? We would be determining the priority within that State when the facts may not support that priority.

Chief Justice HEFLIN. Well, if you plan a catchup program for courts, then it is necessary to clearly proclaim a priority program, along with a procedure to insure its accomplishment.

We've gone through a year's experience of negotiation, hoping that SPAs would see the error of their ways and voluntarily correct this ill. Now the figures that are given us by officials of LEAA indicate the reverse has happened. The criminal justice planning administrators met at their annual conference in June 1975 and agreed with the Irving Commission that the courts should have top priority. This turned out to be only lip service. Now, what do you do?

Mr. MANN. Well, I share your concern about it, but one suggestion is: Why can't the legislation, through the use of State funds, correct that imbalance? Why should we blame all of the inequities on the Federal funding portion of the money?

Chief Justice HEFLIN. Well, it was my understanding that one of the major reasons for the passage of the Omnibus Crime Control and Safe Streets Act involved a recognition that States had neglected the criminal justice field. One of the hopes of the program was to use Federal money to beef up police, courts, and corrections so it could be demonstrated that the war against crime could be won by the States. The plan was that the programs would eventually be taken over by the States and supported by State money. If you don't have a beefing-up program for courts, then there is nothing to demonstrate

or nothing for the States to take over. If you don't give courts enough to develop a program then it seems to me that it is self-defeating—certainly in regards to the rationale that caused the creation of the LEAA in the beginning.

Mr. MANN. Well, true. And I certainly don't want to be in a position of quibbling with you. But there are just so many dollars that are going to be made available to each State and as of now, you know, 85 percent of it is on a formula basis and 15 percent is discretionary, I guess. And if the State planning agency uses those funds for some purpose other than the courts or the courts don't get their fair share, and after all of the emphasis on courts, which we recognize as coming along in the last few years, the courts are still not getting their fair share, isn't it ridiculous for us to be sitting at the Federal level, pointing the finger and saying, "You don't have to allocate funds to courts?" Isn't it ridiculous that somewhere along the line someone has failed—and when I say "someone," I'm talking about a lot of someones. I'm talking about the American Bar Association; I'm talking about the State court system itself; I'm talking about all of the other agencies that are involved in pointing the finger of where the problem is in the law enforcement system—that we haven't come up with a better image, as for as the needs of the courts are concerned. Is it a part of the problem that we lawyers have to be loved and appreciated?

Is it a part of the pay scale that judges have vis-a-vis cherished? What is the problem?

Chief Justice HEFLIN. Well, I think part of the problem is in the inherent nature of the judiciary. The judiciary really ought to be looked after. Judges should not have to be politicians. If we allow politics to creep into the judiciary, then the rule of man will prevail instead of the rule of law.

Mr. MANN. What makes us any more capable of doing this than the State legislature?

Chief Justice HEFLIN. Well, let me say that legislatures, in some States, in recent years have helped courts particularly in your State, Mr. Ashbrook's State and in my State. In recent years there has been a considerable amount of court reform in those three States. Increased financing of courts has occurred. Some 2 years ago in my State, the annual State appropriation for the judiciary was probably approximately $5 million. Next year it will be in the neighborhood of $20 million.

In your State of South Carolina much progress has occurred. I am familiar with this progress since I participated in the South Carolina Citizens Conference on Courts in 1971. I was back in your State a couple of years later speaking to your State bar association so I am familiar with South Carolina's progress. In Ohio, your Chief Justice O'Neill has had remarkable success with court reform.

The progress that has occurred in these three States is the result of a national movement to reform State courts and LEAA has played a part in this movement. I certainly feel that LEAA has played a substantial part. I know in Ohio and in Alabama, LEAA has supported court reform. In Alabama we have gotten what we've asked for, with some exceptions. However, some unpleasantries have accompanied their support.

Throughout the United States there is the beginning of a movement to improve courts. Also there is a similar movement to give State judiciaries more independence.

I really feel that if you get down to it, it is inescapable that much progress has occurred in court reform; but I think we have a long way to go. Courts have got to rethink many concepts and ideas. Take congestion in criminal courts. We have had the goal of disposing of cases within 6 months from indictment. But if the concept of sure and swift disposition of cases is to play a meaningful role we must reduce that disposition goal to 60 days.

Congress has come up with some ideas on this. However at the State level there still is a tremendous amount of congestion. In some States it is not uncommon to find cases backlogged for 2 and 3 years. Civil congestion is even worse in siome places.

Soneone has referred to the State judicary as being the neglected branch of government of State government. This was certainly true up until the last few years.

Mr. MANN. I agree. Mr. Ashbrook?

Mr. ASHBROOK. Thank you, Chief Justice. I listened to your statement. It certainly rang clear to me. I hadn't read your question you raised to us. But it seems to me that it's basically some of the point I was making to Mr. Merriam. I would say the problem I have seen in many of these programs—and they are unanswered questions—where you have a program enacted by the Congress and its purpose, legislative in its thrust, but judicial in operation, you've got a real hangup.

In fact, the Legal Service—I was on the Education and Labor Committee, the original poverty program, the Legal Service—it's very difficult for legislators to enact a program that's judicial in its operation and legislative in its overall thrust or commitment. We got into the very same problem there. We end up saying: "OK, you can be a legal service program, but don't get any criminal cases. It can be a legal services program, but don't get into civil rights. Don't get into riots. Don't get into things there were unpopular at the time." Some have even added rent strike and would have added boycotts.

It's very hard to have a legal service program and say, "Go out and be a legal service program," but then take all of the proscriptions that we put around their operations. And I can see the exact problem here in the very same way. LEAA is a legislative program, but the degree to which it becomes judicial in its operation is sort of a never-never land that we never in this body have seen fit to either bridge, put a wall, or compromise—one of the three things, I suppose, could be done.

What we're talking about, I assume, is either no intervention at all, which would probably be my position. Bridging the separation of powers because we do put the money there, and, therefore, most people at least here in Washington—"If we put the money there, we've got something to say." Or the third, some compromise between the position of those in the judicial branch and the legislative branch.

As you would view it as a spokesman for chief justices—and I appreciate your mention of Justice O'Neill. I keep in very close touch with him and he has done a wonderful job and ends up being a source of much information to me as to what the chief justices are thinking.

Between those three areas: in effect, keeping the wall, getting the

money but not the control, the Congress jumping over and some way or other bridging the separation or some compromise—what do you suppose the chief justices think is the reasonable position for you and for us to take?

Chief Justice HEFLIN. The Rodino bill.

Mr. ASHBROOK. You think that would be the first—that it would probably insulate, in the chairman's words, would insulate the money you get without having the degree of controls or the usual guidelines, et cetera, that go with Federal money?

Chief Justice HEFLIN. Well, there are several approaches. We are on record as supporting the Rodino bill. We realize this is a complicated problem.

No. 1, I think State courts have got to have an independent entity to determine their planning. Courts must be removed from the arena of competition for funds at the State level particularly with the executive branch where the players and the umpires belong to the same branch of government.

Judges can participate, I think without any violation of any judicial canons of ethics or the separation of powers doctrine in the overall planning of the entire criminal justice system. Even if judges have an independent planning body nevertheless there will be a fight for a percentage of money. So it is essential that there be a procedure to remove from the SPA's the determination of the allotment of funds that goes to courts. Otherwise, courts will be in an arena of competition.

Mr. ASHBROOK. Well, I could have imagined you were here listening to my line of questioning. I couldn't have put it better as you did on page 3 when you say: "Either you plan, organize and operate your courts in accordance with our wishes and plans or else you will receive only the LEAA funds that we want to give you."

That's basically the concern that I expressed to Mr. Merriam—basically my concern with the SPA's. One last question—I don't want to put you on the spot too much—I'd have to say that the SPA's do not impress me at this point as adding that much. What has been the experience with the chief justices in dealing with the SPA's.?

Do you really think or do you care to comment—do you really think that the 7-year record of the SPA's has been such as to really improve the orderly processes of justice, administration of justice?

Chief Justice HEFLIN. Well, you're really, in effect, asking about the LEAA program. I think there has been much progress as a result of the LEAA program. The goal of reducing crime may be self-defeating because of an overall good program.

Let's take the case of automobile thefts. The FBI has a classification known as "cleared by arrest." Five or six years ago only about 25 percent of auto thefts were cleared by an arrest.

The LEAA program has made great progress in professionalizing the police. Police are now better trained. They apprehend far more offenders than they used to. Now the percentage of arrests for auto thefts is increased above 25 percent. If you have a more professional police force then more crimes will be reported to the police. It is amazing the number of crimes that are not reported; in many instances more than 50 percent of certain types of crimes. The more crimes that are reported make crime statistics rise. The increase in crime statistics has resulted in part because of better police methods.

It may be a self-defeating result. I honestly feel that if LEAA was abolished today, it would leave a legacy of considerable improvement in the criminal justice field.

LEAA has brought about a more professional police force within the country. It has brought about improvements in corrections. It has brought about improvements in courts. Nevertheless, I think there are inherent ills within the LEAA program. I would certainly advocate that the program be continued, with corrective action to remedy ills. Every time the media spotlights increases in crime statistics, I feel they should explain also that there has been a decrease in the unsolved crimes and an increase in reported crimes.

So every time you see figures on crime increases—you also ought to ask for the statistics on unreported crimes and unsolved crimes.

I don't think you can just look at the overall LEAA program and say, "LEAA has done a horrible job." I think it has basically done a good job. However there are certain ills about the program, in my judgment, that ought to be corrected.

Mr. ASHBROOK. I would only conclude that the only difference that I find with your point of view is that I do not look at the courts, the police, and the system as being either the answer or the problem in the area of crime. In a philosophic sense, law and order is 98 percent attitude and 2 percent force. And unfortunately, the public feels that policemen and the courts can do what they have not done on attitude. You mentioned unreported crimes and the problem of witnesses. Across the board, the problem to me is more one of attitude on the part of the people than it is force. Only about 2 to 5 percent of the effectiveness in the fight against crime comes in the force. The rest of it has to be in public attitudes. And the public attitudes are such that, in my judgment anyway—the person is, I suppose, a little bit tougher and a little bit more of a disciplinarian, one who believes that people ought to be responsible for what they do.

As long as we have the prevailing attitudes, I don't think we can look at the courts and the police and say, "You failed." I guess what I'm saying is that I doubt the LEAA would really solve the problem as long as the prevailing attitude remains in society, which seems at least in my judgment, to be one of the causes of crime.

Chief Justice HEFLIN. It seems to me that it may well be that part of the thrust of the LEAA program should be directed toward established and traditional institutions that affect attitudes, such as schools, families, and citizen education. Improvement of these established institutions, in my judgment, can affect the attitudes of the public.

Mr. ASHBROOK. Of course, then you get to the same problem—brainwashing—the same problem of propaganda, indoctrination, inculcation, invasion of parental and family rights. It's a very tough problem across the board. Well, I do appreciate your statement and I'm one of those on your page 3 that would answer in the affirmative. I don't think that under a constitutional system that we should give money and have a carrot and stick approach when it comes to the judiciary, even though that does not mean in every case that I agree with the judiciary. But I certainly recognize that separation and I would like to see it honored.

Thank you, Mr. Chairman.

Mr. MANN. Mr. Chief Justice, we do appreciate your taking the time in coming to us and we appreciate your work that you are doing on the Committee of the Conference of Chief Justices. Thank you very much.

Dean John F. X. Irving is the dean of Seton Hall Law Center, Newark, N.J. He is chairman of the Special Study on LEAA Funding of the State Courts, published by American University, February 1975. He was the initial chairman of the National Association of State Criminal Justice Planning Agencies. He consults in the fields of criminal and juvenile justice and is chairman of the board of regents of the National College of Criminal Defense Lawyers and Public Defenders.

Dean Irving, it's a pleasure to have you with us. I notice you have a prepared statement which will herewith be made a part of the record and you may give it such treatment as you choose.

[The prepared statement of Dean John F. X. Irving follows:]

STATEMENT OF DEAN JOHN F. X. IRVING, SETON HALL LAW CENTER, AND CHAIRMAN, SPECIAL STUDY ON LEAA FUNDING OF THE STATE COURTS

The criminal and juvenile courts of this country to a great extent set the tone, the pace and the quality of the entire criminal justice system. In fact, the courts are often called upon to pass judgment on the other components of the system: the police, corrections, the community agencies involved in crime prevention and control including the schools. Furthermore, even the state courts are becoming the social planners of our society as the legislative and executive branches of state government create a void by their ineptness or intimidation at the dimensions of the current domestic turmoil.

In such a context, the increase in anti-social behavior; the paltry budgets of the state courts; the complexity of litigation; the fragmented court structure and endless appeals have produced such a crisis in many of the state judiciaries that many commentaries have warned of their pending collapse. Meantime, federal LEAA funds have increased police capability so that more arrests are being made. The prosecution and—to a lesser extent—the defense have been upgraded since the initiation of the national war on crime seven years ago but the state courts have not kept pace. Though the reasons are complex, the solution is clear.

Because the courts exercise a central role in dealing with antisocial behavior, good planning would suggest that the state judiciaries participate fully in the opportunities created by the Omnibus Crime Control and Safe Streets Act of 1968 and its progeny. That simply has not occurred. A study I chaired last year demonstrates persuasively that in the LEAA planning and funding cycles, the state courts are "separate and unequal."

It is more than a matter of inequity. Shortcomings of the courts aggravate the problem of crime and induce cynicism and hostility among defendants and their families and with the young, the poor and minority groups. Let me point out the three open wounds in the administration of justice which have left the courts staggering almost without exception at the state and local levels:

1. The municipal courts are the most visible, the most utilized and often, the poorest example of American justice. Many are an outright cancer. Political considerations, inefficiency and haphazard procedures are most comfortable in these home town courts. Study after study has called for their absorption into a statewide judicial system;

2. The juvenile courts are an unsuccessful experiment in providing individualized justice for minors. Begun at the turn of the century, these courts have limped along over all these years giving evidence of permanent retardation. As Justice Fortas said in the landmark *Gault* decision, juvenile courts afford neither the care and treatment postulated for children nor the constitutional protections available to adults. The juvenile courts in most jurisdictions operate under the premise that American children are not "persons" within the protection of the Fourteenth Amendment of the U.S. Constitution. This absurdity denies them the safeguards of a grand jury, a public trial and other rights given to adults accused of crime without providing alternatively humane treatment or remedial care;

3. Judicial selection, training and performance have been so substandard and erratic for so long as to impede the entire court systems in most states. The merit system for judicial selection recommended by the American Bar Association ever since 1937 has yet to be adopted in half the country. Pre-service training is a rarity and meaningful in-service training opportunities still elude most judges. It's startling to realize in this nation that we give a policemen a gun, put a man on the criminal court bench and assign cases to corrections personnel without first providing minimum training. They say doctors bury their mistakes and judges send theirs to prison. In rural communities especially and in juvenile courts, you find judges today who have no legal education, no law books and no law clerks. Inadequate resources are the rule rather than the exception in criminal justice.

Partly as a result, disparity in sentencing is outrageous and rightly resented by defendants who are at the mercy of this form of Russian Roulette. At the same time the casual observer is shocked by the delays, the plea bargaining and the clear up rates.

There can be no doubt that the state courts need federal help in upgrading and modernizing their structure and procedures. To date however, as our study showed the courts have been getting only 5 or 6 per cent of the LEAA appropriations as they filtered through the various state planning agencies. Furthermore, some of these funds were spent on court-related projects conceived of by the executive branches without support of the top court personnel in the participating states.

I have worked with the LEAA program since its inception: first, as director of the Illinois State Planning Agency; later as the initial Chairman of the National Conference of Criminal Justice Planning Agency Directors and in recent years as consultant with The American University in ten states for LEAA—funded programs. In many respects the LEAA effort has been enormously successful in initiating planning, research and innovative programs in criminal justice.

The state courts however have not had the opportunity given the police and corrections. We found that state planning agency staffs were often ignorant of the needs of the courts and unsympathetic to their plight. Nor has LEAA spoken out to correct this inattention. Therefore I support Congressman Rodino's bill (H.R. 8967) in principle but I would urge the elimination of any fixed percentages of LEAA funds earmarked for the courts.

A fixed percentage will destroy the prospect for comprehensive planning at the state level; encourage state legislatures to ignore their continuing obligation to provide the basic court budget; and, I am afraid, encourage waste or scandal in the hasty expenditure of large sums of money.

I would prefer that each state planning agency be restructured so that, as our study recommends, up to one third of the policy board consist of court designees and private citizens. That board should then determine what is a reasonable amount of SPA funds for court projects.

The essential needs of the courts that LEAA can help meet are:

(1) Creation of a planning capability within each state court system.

(2) establishment of a judicial council made up of judges from every level of the courts to advise and supervise the planning staff.

(3) acceptance by the SPA of the plans and projects developed by the court planners as prima facie valid. Although not all these emerging projects can be funded, the courts not the executive will set the court priorities and the agenda for reform.

(4) the regional LEAA offices should reject any state plans that do not both identify the legitimate needs of the courts and allocate anticipated LEAA funds to the courts in reasonable amounts.

(5) restructure of the state planning agency policy boards so that the private citizens together with court designees comprise one-third of the total board thereby creating a more neutral forum for consideration of state court projects.

I would not tinker with the current legislation beyond these few changes. The program has been in flux since its inception. Each year guidelines from LEAA have changed the thrust of state planning leaving the local people constantly off balance. There is now some evidence that the state criminal justice planning agency concept is beginning to work. Initially it was a foreign transplant into the body politic because it sought for the first time to bring police, court and corrections people together to make a system out of the non system of justice. Let us give it a chance.

TESTIMONY OF DEAN JOHN F. X. IRVING, SETON HALL LAW CENTER, AND CHAIRMAN, SPECIAL STUDY ON LEAA FUNDING OF THE STATE COURTS

Dean IRVING. Thank you very much, Mr. Chairman, and Congressman Ashbrook and fellow attorneys. I think I'm the only witness this morning that comes before you having worked in the system. By that, I mean working within the SPA–LEAA program from its inception.

I was the first director of the Illinois effort. I worked with LEAA to try to develop some reasonable guidelines in this program. I'm also, I think, the only witness probably this morning who has done a 180-degree turn in the last year and a half in terms of the question of whether the courts have, in fact, been short changed by LEAA.

When I was asked by American University to chair this committee, this national study—and incidentally, I have submitted copies of this to you and I'll talk about that briefly.

Mr. MANN. Very good.

Dean IRVING. A judge from Kentucky was on the committee and a researcher from Calfiornia. I initially felt, going into the study and chairing it, that the courts had a traditional, but unfair gripe that the rest of Government was against them.

In Illinois, we tried very hard in the early years to get the courts to participate. In the early years, the State courts felt that taking Federal money for the judicial branch, coming as it was through the executive branch of the State government, made the money doubly tainted. They didn't want it. By the time they decided that, the Congress of the United States, through the LEAA, was causing a serious dislocation by upgrading the police—and in a free society, that's very dangerous. You upgrade law enforcement and surveillance possibilities with Federal money and you do very little to upgrade the supervision responsibilities and capabilities of the courts and I suggest we are approaching a troubled situation.

And I think that's why, in answer to a question earlier, why the Congress has got to move to address these grievances by the courts because the LEAA program, unintentionally, has caused this dislocation.

But let me go back a bit, if I may, and I want, without taking too much of your time, to be able to give a few ideas and then answer your questions. In our national study, we concluded that we should take and recommend to the Congress a moderate position: and that is that the best of the experienced of the State planning agency concept should be kept.

And I think the experience is that it's beginning to work. For the first time in the history of the country, we have agencies at the State level that are trying to pull police, courts, corrections people together, to sit down unemotionally and talk about how to make a system out of a nonsystem of justice and how to deal with Johnny Buck who has now passed from the schools to the police to the courts to juvenile corrections to adult corrections. We're beginning to make some steps in that direction.

So we don't want to throw that out in our study. On the other hand, we are strongly opposed to fixed percentages of Federal funds for the courts. I'll explain the reason for that in just a moment.

Let me say first, if I may, that as you know as attorneys and Members of the Congress, the criminal and juvenile courts at the State level, to a great extent, set the tone and the pace and, indeed, the quality for the whole criminal justice system.

And furthermore, the courts are, by their very nature, required to pass judgment at times on what law enforcement agencies and corrections does, as well as pass judgment on community agencies and schools in their delinquency prevention role.

And even at the State level, courts are becoming more and more social planners, if only because of the ineptitude of the executive and legislative branches, which refuse to come to grips with some of the major domestic problems of the time.

Now, in that context, then, what I see is greater expectations being pushed on the courts. As one legislator said to the courts in New Jersey, "We've got to run for election every 2 years. You fellows in the Supreme Court don't. We want you to redefine the tax formula for the public schools of New Jersey." And to a greater and greater degree the courts are being forced, if only because of an abdication of legislative responsibility, the courts are becoming more and more the social planners.

Now, in that context, the increase in antisocial behavior, the complexity of litigation, the paltry budgets of the State courts, the fragmented court structures have produced a crisis in many of the State judiciaries that commentators have warned will lead to a sure collapse.

Meantime, Federal funds, as I said, increase police capability. To some extent, prosecution and defense capabilities have been increased, but the State courts have not kept pace. Although the reasons are complex, I think the solution is clear.

Because the courts have a central function in the justice system, one would think that good planning would suggest that the courts participate fully in this effort to upgrade the system through the opportunities created by the Safe Streets Act, which incidentally, in my view after living with this for 7 years, is part of the hoax of the whole problem.

The very fact that the Congress called this the Safe Streets Act implied there would be enough money to make the streets safe. And you know that that's impossible. When I was in Illinios, the police department budget for Chicago had reached $200 million a year. The LEAA funds available for the entire State, police courts, and corrections, was 10 percent of that. So to think with $20 million we could make the streets even of Chicago safe was an illusion. There are other reasons for the failure of LEAA and the SPA's to achieve a reduction of crime, but I'm not sure they're germane this morning.

The study that I chaired a year ago and we submitted some reports to you, as I've said, demonstrates, I think, persuasively that in terms of LEAA planning and funding, the State courts are separate and unequal. I think it's more than a matter of inequity.

The shortcomings of the courts aggravate the problem of crime and induce cynicism and hostility among defendants and their families and certainly in the young—I see in the people coming into our law school. They have a distain especially for the juvenile justice system or the juvenile injustice system. Certainly the poor minority groups have real questions about how just our system is.

Let me point out briefly three open wounds in the administration of justice that I perceive that we need to deal with in terms of a crisis that now confronts the State courts. No. 1, I would point out the municipal courts, which the Amerian Bar Association has long urged be absorbed into a statewide system and it be depoliticized.

As you know, and I'm not the first to say it by any means, municipal courts are the most visible courts, the most widely used, and the least effective showpiece of our justice system. No. 2, the juvenile courts are an unsuccessful experiment in providing individualized justice. These were started, as you know, at the turn of the century. They have limped along all of these years and I think you've evidenced now a permanent retardation.

As Justice Fortas said in the *Gault* decision, these courts don't give the care and treatment postulated for children in the original theory nor the constitutional protections afforded to adults. The fact that juvenile courts in most jurisdictions take the position that children are not persons, not persons within the protections of the 14th amendment, because persons have certain constitutional rights—indictment by a grand jury, speedy trial, public trial.

These are not given to children, nor are they given anything by way of attractive substitutes. And the third open wound that I see in our justice system has to do with the method of selection of judges at the State level, the training or lack of training, and the erratic performance.

Mr. ASHBROOK. Do you think those wounds, whether they be self-inflicted or open wounds, whatever you want to refer to, come basically from the legislative, executive, or judicial? The legislative, obviously, set up the juvenile system, not the judges. The legislative has had a lot to do with this. Which would you think the most culpable of the three?

Dean IRVING. I'm not sure that I would point the finger to one more than the other. It seems to me that the municipal court, the juvenile court, are specialized courts that have not maintained the interest of legislative bodies, OK? They're not getting the funding required.

And the courts, I think, have been very ineffective in trying to articulate the needs of these courts.

Mr. ASHBROOK. I guess my point was: I know in my State, for a long time when I was in the legislature, we still had justices of the peace.

Dean IRVING. Yes.

Mr. ASHBROOK. Then we went to county courts without county-wide jurisdiction. Then little by little, the county municipal courts got countywide jurisdiction. So you know it's an ambling process and it's mostly legislative at the heart rather than judicial at the heart. That's why I wondered.

Dean IRVING. Well, I think it is, but there are real political concerns that preclude the unification of courts into a State system. The disinclination of municipalities to give up control of the municipal court—that kind of concern. But the fact remains that we are in a crisis situation and we have people sitting in the courts who are often selected without merit, without a merit system. They get little or no training and their performance tends to be erratic.

So that as a result of that——

Mr. MANN. Dean——

Dean IRVING. Yes?

Mr. MANN. I apologize for the need for our answering the floor call, and I question—you have a marvelous statement. And you are stating very concisely and succinctly your impressions. And you have that supportive document there which I hope that the committee will study.

Suppose let's take about 3 minutes and you get to your essential needs that LEAA can meet and we can all save an hour or so of time by not having to reconvene and what not. I hate to cut you short.

Dean IRVING. No. I perfectly understand. I perfectly understand.

Mr. ASHBROOK. Off the record.

[Discussion off the record.]

Mr. MANN. Back on the record.

Dean IRVING. Well, may I then summarize what really is the conclusion of this national study?

Mr. MANN. Yes.

Dean IRVING. We have found, No. 1, that the State courts are getting 5 or 6 percent of the total action moneys that are coming down to the State level. We found that the LEAA funds were inflated. We found, however, that a fixed percentage for courts will do great harm, invites scandal. When fixed sums are thrust upon a branch of government, I think that it eliminates a healthy check and balance. I think it would encourage the State legislatures to say to the State courts: "The Federal Government is now starting to fund you. We can stop what is logically expected by way of State revenues for your courts."

OK. What we recommend to Members of the Congress is that the State planning agencies be required, under the existing legislation, to change the composition of the State planning agency policy board, so up to one-third would be comprised of judges and citizens. That would be a more neutral forum for court plans to be reviewed.

We think the courts should have their own planning capability and that no regional office of LEAA should approve a State plan unless it takes into account the reasonable needs of the court, insofar as Federal and State funds are available to deal with that.

Check and balance, more court representation, but avoid a fixed percentage of funds like the plague. Thank you very much.

Mr. MANN. We're reluctant that we have to conclude. We'll have to do it another time.

[Whereupon, at 12:20 p.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, March 4, 1976.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 4, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 10 a.m. in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, McClory, and Ashbrook.

Also present: Daniel L. Cohen, counsel; Timothy J. Hart and Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. In continuation on the hearings on LEAA, we are pleased to have today the Deputy Attorney General of the United States, the Honorable Harold R. Tyler, formerly a district judge. He has a distinguished career in government and in law enforcement in general. We are pleased to have you here today, Deputy Attorney General Tyler.

We note that you have been kind enough to prepare a statement for the subcommittee. And I would presume that you are going to go first, unless you and the Administrator want to proceed at the same time.

Mr. TYLER. Well, Mr. Chairman, I thank you. I'm prepared to go first, if that's all right with the Chair.

Mr. CONYERS. It is.

Mr. TYLER. And as you say, I do have a written statement, which the subcommittee has. And I'd be glad to either summarize it or——

Mr. CONYERS. Please.

Mr. TYLER [continuing]. Have it part of the record—however you see fit.

Mr. CONYERS. Well, let's do both. Let's make it a part of the record and that would free you to make any personal embellishments that you would honor us with today.

[The prepared statement of Harold R. Tyler, Jr., follows:]

STATEMENT OF HAROLD R. TYLER, JR., DEPUTY ATTORNEY GENERAL

Mr. Chairman, I wish to thank you and the members of the Committee for the opportunity to testify on reauthorization for the Law Enforcement Assistance Administration.

In his message on crime, the President spoke of three ways in which the Federal government can play an important role in law enforcement. It can provide leadership to State and local governments by enacting laws which serve as models for other jurisdictions and by improving the Federal criminal justice system. In addition, it can enact and vigorously enforce laws covering criminal conduct that

cannot be adequately handled by local jurisdictions. Finally, it can provide financial assistance and technical guidance to State and local governments in their efforts to improve their law enforcement systems. LEAA is the means by which the Federal government performs this last and important function.

As you know, when LEAA was established by the Omnibus Crime Control and Safe Streets Act of 1968, it was the first Federal program to rely primarily on bloc grants to States rather than on categorical grants for specific purposes to smaller units of government. In establishing the LEAA program, Congress recognized the essential role of the States in our Federal system. The Act reflects the view that, since crime is primarily a local problem and criminal justice needs vary widely, a State is generally in a better position than the Federal government to determine its own criminal justice needs and priorities.

Under the LEAA bloc grants, States have spent their grant funds according to their perceived needs. Under the basic bloc grant approach embodied in Part C of the Act, however, LEAA is intended to be much more than a mere conduit for Federal funds. Although, as you know, basic bloc grant funds are allocated annually to each State on the basis of population, each State is required to consider certain factors and develop an approved State plan before becoming eligible to receive funds. These factors are set forth in Sections 301 through 304 of the Act. Thus, the LEAA program encourages each state, in cooperation with the units of local government, to engage in a comprehensive analysis of the problems faced by the law enforcement and criminal justice system in that State. In reviewing the State plans, LEAA is responsible for ensuring that LEAA funds are expended for the purposes intended by the Act, while leaving to the States the responsibility for designating the projects which will receive funds.

The LEAA funding program does not consist exclusively of bloc grants. LEAA also makes categorical grants for corrections programs and law enforcement education and training. In fiscal year 1975, $113 million, or approximately 14 per cent of the LEAA budget, was allocated to categorical grants for correctional institutions and facilities, and $40 million, or approximately 4.6 per cent of the LEAA budget, was allocated to the law enforcement education and training categorical grant program. These programs have provided needed visibility and emphasis in these special areas.

In addition, LEAA conducts a discretionary grant program designed to "advance national priorities, draw attention to programs not emphasized in State plans, and provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act."

One obvious and lasting contribution of the discretionary grant program is the work of the National Advisory Commission on Criminal Justice Standards and Goals. This Commission, funded by LEAA, has issued a series of reports with numerous specific suggestions for improvement of law enforcement and the criminal justice system. In response to the Commission's work, Congress has required that each State establish its own standards and goals for the expenditure of LEAA bloc grant funds. Since 1973, LEAA has provided over $16 million in discretionary funds to 45 states to assist them in the development of these standards and goals, which are already reflected in the State comprehensive plans now being submitted to LEAA.

The discretionary grant program also permits funding of demonstration programs designed to test the effectiveness of promising approaches to difficult problems. An important current example is the Career Criminal Program. In recent years, there has been a growing appreciation of the amount of crime committed by repeat offenders, often while they await disposition of outstanding charges against them. Last year, President Ford asked the Department of Justice to develop and implement a program to deal with career criminals, with the objectives of providing quick identification of persons who repeatedly commit serious offenses, according priority to their prosecution by the most experienced prosecutors, and assuring that, if convicted, they receive appropriate sentences to prevent them from immediately returning to society to victimize the community once again. LEAA discretionary grants are now financing such programs in eleven cities. If they prove successful, it is expected that they will be institutionalized in those communities, with the State and local governments assuming the cost, and widely imitated elsewhere.

Complementing the discretionary grant program is the National Institute of Law Enforcement and Criminal Justice. As the research arm of LEAA, the Institute presently serves to encourage and evaluate new programs and to promote the nationwide implementation of those which are successful. Its current activities include projects concerning crime prevention through environmental design, the

reduction of sentencing disparity, the efficacy of police patrols, and the evaluation of the impact of federal assistance on the national criminal justice system.

In essence, we believe that the present balance between discretionary and block grants provides for appropriate Federal initiative in the law enforcement area, while preserving a sizable block grant program that is responsive to State and local priorities. LEAA's current structure provides support for the continuum of services needed for an effective enforcement program. These include basic and applied research to identify new approaches to solving problems, discretionary grants to demonstrate these programs in selected areas, and block grants to implement them, and other programs, on a nationwide basis. The success of each of these is interdependent.

H.R. 9236 embodies several clarifications and refinements that we believe would improve the efficacy of the LEAA program. First of all, H.R. 9236 proposes that the Act be clarified by expressly stating that LEAA is under the policy direction of the Attorney General. The Act now provides that LEAA is within the Department of Justice, under the "general authority" of the Attorney General. In accordance with this language, the Attorney General is deemed ultimately responsible for LEAA. To make this responsibility meaningful, the Attorney General must concern himself with policy direction. Under the proposed language change, responsibility for the day-to-day operations of LEAA and particular decisions on specific grants will remain with the Administrator, as they are now. The proposed additional language will make clear what is now assumed to be the case. Close cooperation between the Department and LEAA should not only enhance the activities of LEAA, but increase its helpfulness to the Department as well. As part of the effort to promote this, H.R. 9236 also proposes that the Director of the Institute be appointed by the Attorney General.

In our view, the LEAA program could also be strengthened by establishment of an expert advisory board as suggested by H.R. 9236. It is envisioned that the board, appointed by the Attorney General, would review priorities and programs for discretionary grant and Institute funding, but would not be authorized to review and approve individual grant applications. The discretionary funds awarded in fiscal year 1975 were at the level of $183 million. I believe it will be useful to have an advisory board take an overview of the discretionary grant program as it proceeds, so that the Administrator and his staff will have the benefit of both criticism and encouragement from informed persons outside the Federal system. The views of the Board would not be binding, but I am sure they would be helpful.

H.R. 9236 also aims at further clarification of the Act's intention to improve the law enforcement and criminal justice system as a whole, including State and local court systems. As the President noted in his message on crime, "Too often, the courts, the prosecutors, and the public defenders are overlooked in the allocation of criminal justice resources. If we are to be at all effective in fighting crime, State and local court systems, including prosecution and defense, must be expanded and enhanced." We continue to be committed to the belief that the block grant approach affords the best means of addressing this problem, which varies in dimension from State to State. In order to emphasize the importance of improving State and local court systems, however, H.R. 9236 proposes that a provision be added in order to explicitly identify improvement of court systems as a purpose of the block grant program. While the proposed provision would not require the States to allocate a specific share of block grant funds for court reform, it would provide a clear basis for rejecting plans that do not take this interest into account.

Several LEAA studies suggest that many State and local court systems do not have a capability to plan for future needs. Thus, they have been handicapped in participating in the comprehensive state planning process, which is the key feature of the LEAA program. H.R. 9236 would make clear that block grants can and should be used to enhance court planning capabilities. In addition, $1 million of fiscal year 1975 discretionary funds have been earmarked for this purpose. Together, these efforts should increase the capacity of court systems to compete for block grant funds.

The court system should also benefit from the proposal in H.R. 9236 authorizing the Institute to engage in research related to civil justice, as well as criminal justice. In many respects, civil and criminal justice are integrally related. In the context of court systems, for example, the civil and criminal calendars often compete and conflict. Judges and juries frequently hear both criminal and civil cases, and the same management systems may apply to all cases. In addition, measures affecting Federal courts invariably have effects on State and local courts. Thus, it is proposed that the Institute retain its emphasis on State and

local law enforcement and criminal justice, but be permitted to fund appropriate civil justice and Federal criminal justice projects as well. Accordingly, it is proposed that the Institute be renamed the "National Institute of Law and Justice."

H.R. 9236 also proposes providing increased resources for areas with high crime rates through the discretionary grant program. As the President noted in his crime message, "In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives." For them, there is no "domestic tranquility."

This condition poses a difficult dilemma for the Federal government. Although substantial, LEAA funds constitute a relatively small portion of the annual criminal justice expenditures in this country, representing only 6 per cent of the national total. The Federal government could not afford to underwrite a nationwide war on crime through the block grant system. Indeed, as the concept of LEAA affirms, it would be inappropriate for the Federal government to attempt to do so. Nevertheless, there is an immediate, human need for more to be done. We believe that this need can most appropriately be addressed by increasing LEAA discretionary grants for demonstration programs in areas with the highest incidence of crime and law enforcement activity—typically urban centers.

H.R. 9236 also includes several significant provisions regarding prevention of juvenile delinquency. One would authorize the use of LEAA discretionary funds for the purpose of the Juvenile Justice and Delinquency Act of 1974. A complementary provision would eliminate the related maintenance of effort requirements of the Crime Control Act and of the Juvenile Justice Act.

Authorizing use of LEAA discretionary funds to implement the Juvenile Justice Act would integrate this program with the other activities administered by LEAA. If LEAA is given this authority, the need for the maintenance of effort provisions, which are inconsistent with the philosophy of the block grant approach, would significantly diminish. The States would be free to determine their own juvenile justice needs, while LEAA would be free to finance innovative programs or compensate for perceived misallocations of resources at the State level. The suggested changes do not, of course, reflect any weakening in our resolve to tackle the important problem of the juvenile offender. It is a most important problem.

I will be pleased to respond to any questions you may have on H.R. 9236 and on the general issue of reauthorization for LEAA.

TESTIMONY OF HAROLD R. TYLER, JR., DEPUTY ATTORNEY GENERAL

Mr. TYLER. Well, Mr. Chairman, as you know, the Law Enforcement Assistance Administration was established in 1968, and, as the first Federal program to rely primarily on block grants to the States rather than on categorical grants to any great extent, it has been designed by the Congress to recognize the essential role of the States and of local governments in our Federal system.

The original act reflects the view that crime and criminal law enforcement are primarily State and local problems. It is premised on the idea that, since the criminal justice needs of the several States tend to vary from place to place and from time to time, it is wise to try to assist the States without unduly fettering their discretion and programming.

Mr. CONYERS. Do you still think that holds true?

Mr. TYLER. Well, there are arguments pro and con. As you know, Mr. Chairman, there are some who feel that certain parts of the State systems don't have enough to say. I believe your subcommittee has already heard testimony from persons who sincerely hold that view.

But it is also true, as you are well aware, that the LEAA funding program does not consist exclusively of block grants. There are certain categorical grants and always have been since the enabling legislation was enacted in 1968. In the past fiscal year, $113 million

or about 14 percent of the LEAA budget was devoted to these categorical grants for correctional institutions and facilities and so on. In addition, of course, categorical grants for law enforcement, education, and training represented a significant part of the 1975 fiscal year budget. Finally, as you also know, there is a discretionary grant program which has, as its focus and purpose, the advancement of national priorities. It is designed to draw attention to programs which are not emphasized in the State plans. This reflects an intention on the part of Congress, I believe, to see to it that the Federal Government continues to experiment so as to provide a model for both the Federal and the State criminal justice system.

I'd like to say a word, Mr. Chairman, if I might, about the work of the National Advisory Commission on Criminal Justice Standards and Goals. This is a Commission funded by LEAA. It has issued a number of reports with specific suggestions for improvement of law enforcement and various facets of the criminal justice system. Since 1973, LEAA has provided over $16 million in discretionary funds to most of the States in the Union to assist them in the development of these standards and goals. I might say parenthetically that at the moment the American Bar Association, with support from foundations and, to some extent, from LEAA, is trying to evaluate and bring up to date the standards and goals which have been promulgated as a result of this program and interest by LEAA.

I'd like to mention briefly another matter which is discussed in my prepared statement, namely, the career criminal program. As you and everyone interested know, there's been a growing appreciation that a lot of the crimes in our cities and towns may well be committed by recidivists or repeat offenders, and that often these repeat offenders commit additional crimes while they're awaiting the disposition of outstanding criminal charges against them. This is a subject which has been covered in the papers in this city this week, as you know, as a result of what was called, at least by the press and the law enforcement officers involved, Operation Sting, which came to its climax this past weekend in Washington, D.C. It was reported that over 70 percent of the arrested persons were persons who apparently were repeaters or recidivists.

Last year the President asked the Department of Justice to develop and implement a program to deal with these so-called career criminals with the purpose of providing quick identification of those individuals who repeatedly commit serious offenses, of according priority to their prosecutions by the system and by the most experienced people in the system, and of assuring that, if persons are convicted, they receive prompt disposition by sentence.

Now, I think that at the moment LEAA discretionary grants are supporting these programs and evaluations in 11 cities across the land. The final returns from the program are not in, but it is expected that, if these programs are successful, they will be institutionalized in those 11 communities and in others as well. We hope that if the program is successful, it will be widely imitated by States and local governments with their own personnel and their own funds to a major extent. I'd like to speak briefly also, Mr. Chairman, about the National Institute of Law Enforcement and Criminal Justice. This, as you know, is the research arm of LEAA.

One of the features of the present legislation submitted by the administration here in the House is the suggestion or recommendation that the National Institute Chairman be an appointee of the Attorney General. We think that the National Institute has made its mark with the academic and research branches of the criminal justice systems in the several States, as well as in the Federal scheme of things.

We continue to believe that the Institute's research activities are well worth the effort, the devotion of the people involved, and the money required, even if it turns out that a particular project is unfruitful.

The National Institute continues to support research projects in all parts of the system, whether they have to do with the courts, the juvenile justice system, the efficiency of police work, and so on. Granting that LEAA has had certain proposals and programs over the years that have been criticized, we continue to think that the basic thrust of the statute is a sensible one. This is not to say that this House cannot consider legislation, as it is now doing, to improve the basic structure in order to make it more effective.

We agree with the general LEAA approach. As you know, H.R. 9236, which is the administration bill, contains certain proposals, one of which I've already mentioned. Another would make clearer the language dealing with the responsibility of the Attorney General in respect to LEAA. We think that it would not only clarify the responsibility lying in the Office of the Attorney General, but perhaps also bring about even closer cooperation between the Department of Justice and LEAA, thereby enhancing the activities and work of LEAA in the bargain.

We have proposed, as you know, Mr. Chairman, in this legislation the establishment by statute—and with the approval of Congress, therefore—of a National Advisory Board, which could review priorities and programs, particularly for discretionary grant and National Institute funding. I should say parenthetically that this proposal makes it clear that this National Advisory Board would not be called upon to review and approve individual grant applications as such.

Discretionary funding in fiscal year 1975 was at the level of $183 million. The Attorney General and the Department feel—and the administration agrees—that it would be useful to have this Advisory Board to take an overview of the discretionary grant program in particular as it proceeds, in order to give both prospective and retrospective advice and review.

I would also like to dwell on something which I'm almost certain, even though I haven't been here when other witnesses have been here, has come up. And that is the concerns of the court systems in the States about LEAA programs which would support those State court systems. Very briefly, there can be no doubt that whatever is done for other elements of the system, if the courts are unable to proceed and do their work efficiently, it follows that the best work by the police, the best work by the correctional authorities and the like, really isn't very efficient.

We continue to think that the block grant approach is the best way of helping because it allows the several States to focus upon their own individual problems, including courts. On the other hand, we certainly do not disagree with those who want to emphasize the impor-

tance of improving State and local court systems. As you know, H.R. 9236 proposes that a provision be added to the existing law in order to specifically identify improvement of court systems as a purpose of the block grant program.

I might say, as my prepared statement points out, that there are some studies in existence, Mr. Chairman, suggesting that several of the State and local court systems do not presently have a capability for planning for future needs and development. Thus, those particular systems undoubtedly have been disadvantaged or handicapped in participating in the comprehensive State planning process, which is, of course, a key feature of LEAA programing.

H.R. 9236 tries to stress that block grants can and should be used to enhance court planning capabilities. And I might say that LEAA has already earmarked in the past fiscal year about $1 million of discretionary funds for this precise purpose. LEAA, I'm sure, agrees that more has to be done in this direction.

It is perhaps not irrelevant to mention briefly that the National Institute has a very important role and should continue to have a very important role and should continue to have a very important supportive role in research matters related not only to the criminal jurisdiction of the State courts but to the civil jurisdiction as well. One of the things that is constantly—and quite understandably perhaps—overlooked in our efforts to achieve as speedy and fair a criminal justice system as we can is the way the courts are organized: They also have to do civil work. Thus, whatever the courts do on the civil side, casts light and shadows on the criminal justice work that they do as well.

Hence, we believe that we cannot ignore the civil aspects of the courts for both research and planning pruposes. It is to reflect just this concern and this fact of life, Mr. Chairman, that we propose to the House that the National Institute be renamed the National Institute of Law and Justice.

In concluding, I would like to mention the high crime impact program, which, of course, was featured by the President in his crime message earlier this year. Here there is a considerable amount of interest and concern in seeing to it that LEAA's funding goes into those so-called "high impact areas," particularly the crowded urban areas where people have had so much cause to be fearful of getting out on the streets and doing their work and their socializing in the normal course.

It is true, of course, that we cannot—and properly so, in my view—do anything that would make the Federal Government the supercops for the cities and towns of America. It is also true that no matter what the budget of LEAA may be, its funding, no matter how generous, represents a very small percentage of the funds devoted to the criminal justice system throughout the Nation.

LEAA cannot be expected to lead the nationwide war on crime, even with its funding. Nevertheless, the high impact crime area program does, in our judgment, set forth a chance for discrete Federal leadership and assistance. We are hopeful that this program will continue to be fruitful, particularly in aiding those urban centers which are most troubled.

Finally, I want to mention the juvenile justice program. In this past year, we have obtained, as head of that program, a long-time juvenile expert, Mr. Milton Luger. The funding which the Congress has so far generously provided is now, we hope, beginning to take hold and have some effect in that specific area, as well as in the block grant funding area.

The States, of course, have to be free to continue to determine their own specific juvenile justice needs. At the same time, however, that should be no reason or excuse for the Federal Government to ignore their needs or for LEAA, in particular, to ignore their needs.

We are hopeful that we will finance some innovative programs and research projects which will represent a prudent expenditure of funds and maybe even prove a little bit daring and innovative. The impact of the juvenile offender is too well known to this committee for me to elucidate it. The statistics make that all too clear.

That concludes my summary, Mr. Chairman. And I'll be pleased, of course, to respond to any questions which you and the committee may have.

Mr. CONYERS. Thank you, Deputy Attorney General. It's been suggested to me that we move to the Administrator himself, Mr. Richard Velde, who has been Administrator of LEAA since 1974. He had been Deputy Administrator for Policy Development before then and prior to that was an Associate Administrator.

We note that Mr. Velde is familiar with the ways of the legislative activity on the Hill, having been minority counsel for the Senate Subcommittee on Criminal Laws, as well as a counsel for the Senate Subcommittee on Juvenile Delinquency.

He has a distinguished legal background and we welcome you today for your testimony. We will incorporate your prepared statement into the record and that will, of course, free you to make additional comments.

[The prepared statement of Richard W. Velde follows:]

STATEMENT OF RICHARD W. VELDE, ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. Chairman, I wish to thank you and the members of the Subcommittee for the opportunity to testify regarding reauthorization of the Law Enforcement Assistance Administration and on legislation to amend the Omnibus Crime Control and Safe Streets Act: H.R. 9286, H.R. 8967, H.R. 7411, H.R. 11194, and H.R. 11251. My testimony will address the Administration bill, H.R. 9236, certain issues which you indicated you wished discussed, and other legislation pending before the Subcommittee.

The President, in his crime message of June 19, 1975, stated that the individual, political, and social costs of crime cannot be ignored, that they demand our attention and coordinated action. The President called on all levels of government—Federal, State, and local—to commit themselves to the goal of reducing crime by seeking improvements in the criminal justice system. He urged that the program of the Law Enforcement Assistance Administration be extended through 1981 in order to provide the necessary financial and technical assistance to help State and local governments to achieve this goal.

The basic assumption underlying the establishment of the LEAA program in 1968 was that law enforcement authority is primarily reserved to State and local governments and that crime control is essentially their responsibility. In 1976, this is still the basic philosophy behind the LEAA program. LEAA fulfills its mandate through a program that fully recognizes the State and local responsibility for crime control.

The LEAA program creates a unique Federal, State, and local partnership. Under the program, State governments serve as planners, administrators, coordinators, and standard setters. Local governments plan for programs and

standards, and carry out programs at the local level with LEAA funds granted by the States.

The Federal Government exercises general oversight responsibility to see that the funds are spent in accordance with the Crime Control Act, the State plan, and other requirements of Federal law.

Each State, in cooperation with the units of local government in the State, establishes its own programs for criminal justice and law enforcement improvement through a planning process which includes a total and integrated analysis of the problems faced by the law enforcement and criminal justice system in that State. The State programs must demonstrate determined efforts to improve the quality of law enforcement and criminal justice in ways that we hope will prevent and reduce crime and delinquency.

Once LEAA has determined that a particular State's plan conforms with statutory mandates and regulatory provisions the designation of which projects will receive funding is a State responsibility.

LEAA also provides technical assistance to the States, assists in statistical analysis and systems development, conducts research into new methods, techniques and equipment for crime control and system improvement, evaluates the impact of its programs and projects, and provides discretionary grant funds for innovative and promising programs such as LEAA's Career Criminal and Court Planning Programs.

H.R. 9236

The legislation which the Administration has submitted to reauthorize LEAA would make a number of amendments to the Crime Control Act to strengthen the program. I would like to discuss some of these proposals.

COURTS

A recently completed LEAA-funded project reviewed the court-related aspects of the LEAA program in four representative States: Arizona, California, Georgia, and Wisconsin. One of the points emphasized in the report of the study team is that State courts generally do not have the capability to plan for future needs. For this reason, State court systems have not been able to participate adequately in the comprehensive planning process which is the key feature of the LEAA program.

To begin to remedy this situation and to assure that State court systems will be able to develop the necessary planning capability, one million dollars in fiscal year 1975 discretionary funds were earmarked to support State court planning. H.R. 9236 would continue placing special emphasis on improving State and local court systems by both LEAA, through discretionary funding, and the State planning agencies, through block grant funding. Moreover, Part C funds could be used to support State court planning, as well as action programs. It is expected that this focus on strengthening courts will promote increased State court involvement in the LEAA program.

Another key amendment which should have a beneficial effect upon courts is the one authorizing LEAA's National Institute of Law Enforcement and Criminal Justice to conduct research related to civil justice, in addition to criminal justice. In keeping with this new thrust, it is proposed that the National Institute's name be changed to the National Institute of Law and Justice. The Institute would further be authorized to conduct research relative to Federal law enforcement and criminal justice.

HIGH CRIME AREAS

LEAA's experience in programs aimed at high crime areas indicates that there is a need to be even more directly responsive to the needs of these jurisdictions. As the President stated in his crime message: "In many areas of the country, especially in the most crowded parts of the inner cities, fear has caused people to rearrange their daily lives. They plan shopping when they think the possibilities of violent attacks are lower. They avoid commercial areas and public transit. Frightened shop owners arm themselves and view customers with suspicion."

In 1970, LEAA's enabling legislation was amended to provide for the allocation of adequate assistance to deal with law enforcement problems in areas characterized by both high crime incidence and high law enforcement activity. This set the basic pattern for directing funds into areas of high crime. LEAA, through its discretionary funding, established the Pilot Cities and then the Impact Cities programs.

The Pilot Cities Program was begun as an effort to establish laboratory settings in which to conduct comprehensive research, development, testing, evaluation, and demonstration programs. The goals of the program were: To demonstrate the ability of a research and analysis team to work in the criminal justice system to improve crime reduction capabilities and the quality of justice; to institutionalize gains made; and, to understand more clearly the process by which change takes place in the criminal justice system.

While difficulties were experienced and the Pilot Cities Program phased out, there were positive accomplishments. In virtually every target city, planned and unanticipated benefits in the nature of development of planning and evaluation skills, technical assistance provided, and projects implemented, were realized.

The High Impact Anti-Crime Program is an intensive planning and action effort designed to reduce the incidence of stranger-to-stranger crime and burglary in eight American cities by five percent in two years and twenty percent in five years. Since the announcement of the program on January 13, 1972, more than $152 million has been awarded to the eight target cities. Components of the program have included: the establishment of crime analysis teams in each city; analysis of target crimes, victims, and offenders; formulation of comprehensive objectives for target crime reduction; development of programs and projects responding to identified needs; and, monitoring and evaluation of individual projects of overall programs. In their final phase activities, the target cities are responding to the programs' goal of "institutionalizing" those capabilities and activities introduced by Impact, thus providing for a lasting contribution from an intensive, short-term federal demonstration program.

Under the sponsorship of the National Institute of Law Enforcement and Criminal Justice, the Mitre Corporation conducted an intensive examination of the High Impact Anti-Crime Program. The evaluation identifies what tended to promote good planning, implementation, and evaluation, and what did not; what moved agencies toward coordination and what did not; what stimulated innovation and institutionalization and what did not; and, what new knowledge was gained from the program and what failed to be gained—and why.

In particular, the evaluation establishes what happened in the development of each city's program, speaks to the feasibility of two program innovations—comprehensive crime-oriented planning, implementation, and evaluation, and Crime Analysis Teams—and examines anti-crime efforts at the project level. While a copy of the draft executive summary of the evaluation was previously submitted to the Subcommittee, I would like to submit for your information at this time a copy of the final summary and entire report. These documents contain a wealth of material which should be helpful to you in your deliberations.

Because of our experience in this area, Mr. Chairman, an amendment is being proposed in H.R. 9236 which would provide additional authorization to LEAA to provide funding of up to $262.5 million through 1981 for special programs aimed at reducing crime in heavily populated urban areas. These funds would be in addition to funds committed by the States from LEAA block grants.

FIVE YEAR EXTENSION

The Administration is requesting in H.R. 9236 a five-year extension of the LEAA program. The types of programs ultimately funded by the States will, to a large extent, be determined by the length of reauthorization of the LEAA program.

One of the key features of the LEAA program is the comprehensive planning process through which each State reviews thoroughly its law enforcement and criminal justice programs, and sets long-range needs and priorities for resource allocation. This planning, to be effective, must necessarily have long-range implications. A shorter authorization would be disruptive of this planning process and allow States to give consideration only to short-term needs.

The possibility of an abbreviated LEAA program and the uncertainty as to future assistance would have further adverse effects on State and local efforts. The nature of projects supported could change drastically from innovative programs expected to have permanent beneficial effects, to projects which merely continue the status quo and support normal operational expenses. Jurisdictions would be hestitant to make a commitment to many significant undertakings or hire new personnel because of the possibility of abrupt loss of support.

Short-term programs also encourage the purchase of equipment or the use of training programs by localities, since a tangible benefit lasting for some time would be guaranteed. Such projects would also have the benefit of requiring no

follow-up planning or evaluation. There could additionally be a chilling effect on the raising of matching funds by localities which did not wish to make a substantial investment in a program which would possibly remain in existence for a brief period, or which might be drastically changed in nature.

Finally in this regard, Mr. Chairman, I should like to point out that the Administration's proposal for renewing LEAA's authorization was submitted in compliance with the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344). That legislation has as one of its primary objectives the development of long-range planning capability by the Federal Government. Extension of the LEAA program for five years would be consistent with this objective and would assure stability in this aspect of Federal assistance.

ATTORNEY GENERAL'S AUTHORITY

Several administrative provisions would be added to the Act to clarify the Attorney General's authority over LEAA. The Agency has always operated with the understanding that, while day-to-day operations are the responsibility of the LEAA Administration, general policy direction comes from the Attorney General. With the proposed amendment, this policy would be clearly set forth in the LEAA Act. The amendment is consistent with the intent of Congress, as indicated by the legislative history of LEAA's enabling legislation. In addition, authority to appoint the Director of the National Institute of Law Enforcement and Criminal Justice would vest in the Attorney General.

ADVISORY COMMITTEE FOR DISCRETIONARY PROGRAMS

While block grant action funds are designed to meet State-defined priorities and needs, discretionary grant funds are viewed as the means by which LEAA can exert national leadership in achieving our goal which is, in partnership with State and local governments, to reduce crime and improve criminal justice.

The thrust of the LEAA discretionary grant program can best be explained by a statement from the LEAA discretionary grant guide. The guide states that discretionary grants are used to: ". . . advance national priorities draw attention to programs not emphasized in State plans, and to provide special impetus for reform and experimentation within the total law enforcement improvement structure created by the Act."

LEAA, therefore, wants the discretionary grant program to be as effective as possible. A provision in H.R. 9236 would authorize appointment of an Advisory Board to review grant programs utilizing discretionary funds. This amendment would give statutory recognition to a Board which the Department of Justice and LEAA already have administrative authority to create. In fact, appointment of such a Board will be announced shortly by the Attorney General. The Board will include recognized experts and practitioners who will bring a broader base of knowledge into the program area than is now available within the Federal establishment.

It is requested that the Board be given a statutory basis to emphasize its importance and permanence. Through such visibility, the Advisory Board will achieve the status and prestige now accorded the National Advisory Committee for Juvenile Justice and Delinquency Prevention. The perspective of the new Board should increase the ability of LEAA to support the development of programs that will effectively help reduce crime and improve criminal justice.

JUVENILE DELINQUENCY PREVENTION

Two provisions are proposed which relate to juvenile delinquency prevention. One would authorize the use of LEAA funds for the purposes of the Juvenile Justice and Delinquency Prevention Act of 1974 so that a unified juvenile justice thrust can be assured. The second provision eliminates the maintenance of effort provisions of Section 520(b) of the Crime Control Act and Section 261(b) of the Juvenile Justice Act. The rationale for this provision is based upon various considerations.

First, the maintenance of effort provisions are incompatible with proposed new language which would authorize the use of Crime Control Act funds for the general purposes of the Juvenile Justice and Delinquency Prevention Act. This would permit a wider scope of programs to be funded with Crime Control Act funds. It is anticipated that each State will use Crime Control Act funds to supplement activities under the Juvenile Justice Act in order to fully meet the State's needs, as set forth in an integrated juvenile justice and delinquency pre-

vention plan. The setting of an artificial minimum allocation of Crime Control Act funds would be inconsistent with the comprehensive planning the amendment encourages.

Second, the maintenance of effort provision is contrary to the block grant approach to funding. The individual States and the elements within the planning structure of the States are in a better position to determine funding priorities for block grant funds. To dictate the amount of funds to be expended for one particular aspect of law enforcement and criminal justice limits the States' flexibility in planning for effective crime prevention.

Third, the uncertainty of appropriations for future fiscal years due to national economic conditions or other factors may result in decreased block grant allocations to the States. As you know, the LEAA budget was reduced in fiscal year 1976, and another reduction is proposed for fiscal year 1977, because of the need for all Federal Agencies to reduce their level of spending. The maintenance of effort provision, coupled with the fact of continuation funding for large numbers of individual subgrant projects, will naturally result in program areas other than juvenile justice and delinquency prevention receiving a smaller percentage of LEAA funds. The comprehensive planning process will be disrupted. States and localities will have to neglect funding of high priority and innovative programs, including necessary programs to assist courts, in order to meet a "quota" of expenditures for juvenile programs.

Finally, the use of 1972 as a base year is not reflective of the overall efforts of individual States; neither does it establish a meaningful spending level for any particular State. Unfortunately, the establishment of expenditure "quotas" based neither on needs nor funding priorities could be construed as a maximum level of expenditure without regard to the need for even greater levels of funding for juvenile delinquency programs. This would do damage to the establishment of a comprehensive juvenile justice and delinquency prevention program.

NONPROFIT ORGANIZATIONS

In 1973, an amendment was adopted making nonprofit organizations eligible for direct discretionary funding under Part C of the Act. An amendment proposed in H.R. 9236 would extend such eligibility to Part E discretionary corrections grants awarded by LEAA and make Part E authority parallel Part C authority.

INDIAN TRIBE LIABILITY

Another amendment I would like to discuss briefly, Mr. Chairman, is one which would allow LEAA to waive State liability where a State lacks jurisdiction to enforce grant agreements with Indian tribes.

On June 3, 1975, the Comptroller General advised us that LEAA did not have the authority to waive State liability for misspent Indian subgrant funds. Therefore, this amendment seeks to statutorily allow for such a waiver by LEAA. We believe that there is a need to actively continue assistance to Indian tribes free from inter-governmental jurisdiction concerns among the tribes and the States.

ISSUES BEFORE THE SUBCOMMITTEE

In your invitation for me to appear and testify, Mr. Chairman, you indicated that there were several important issues which I should be prepared to address. I would like to turn now to a discussion of those issues.

EVALUATION

Program evaluation activity provides an excellent example of the Federal, State, and local relationship within the LEAA program. When LEAA was established in 1968, very little was known about the cause of crime and the factors which impacted on the crime problem. Today we know much more. However, it is a situation where, as our knowledge grows, we realize how much there is to know.

LEAA has been concerned with evaluation since its inception. This concern was given special impetus when Congress, in enacting the Crime Control Act of 1973, placed a mandate on LEAA, through the National Institute of Law Enforcement and Criminal Justice, to evaluate its programs. In response to this mandate, LEAA has begun implementation of far-reaching evaluation programs encompassing all program areas. The record shows that LEAA is as intensively involved in program evaluation as is any other agency of government.

Closely related to evaluation is the development of standards and goals for law enforcement and criminal justice. The importance of standards for criminal justice was pointed out by the National Advisory Commission on Criminal Justice Standards and Goals when it stated:

"The first principle guiding the Commission's work is that operating without standards and goals does not guarantee failure, but does invite it.

"Specific standards and goals enable professionals and the public to know where the system is heading, what it is trying to achieve, and what in fact it is achieving. Standards can be used to focus essential institutional and public pressure on the reform of the entire criminal justice system."

The Commission was funded by LEAA and issued six reports containing hundreds of recommendations for improvement of law enforcement and the criminal justice system. These reports were the product of intensive study and deliberation by outstanding members of State and local law enforcement and criminal justice agencies, and the private sector. LEAA did not dictate or control the works of the Commission. LEAA recently established a National Advisory Committee on Standards and Goals to oversee the work of five new task forces created to assist the establishment of more detailed standards in the areas of organized crime, civil disorders and terrorism, juvenile justice, private security, and research and development.

LEAA is now assisting the States in analyzing their criminal justice systems and adopting such standards as each finds appropriate. Each State may adopt the reforms it desires, receiving LEAA support in the effort.

Following passage of the 1973 Act, LEAA established an Evaluation Policy Task Force, whose task it was to develop recommendations for evaluation policy, programs, and responsibilities within LEAA and in the State planning agencies. The Task Force submitted a final report on March 1, 1974, in which three general evaluation goals for LEAA were delineated. These goals were:

The development of information on the effectiveness of criminal justice programs and practices;

The employment by LEAA managers of management practices which use evaluative information in the formulation and direction of their activities; and,

The encouragement of all agencies in the criminal justice system to develop and utilize such evaluation capabilities.

Steps were immediately taken to implement the recommendations of the Task Force. LEAA began to plan for a full scale evaluation of the six year impact and effectiveness of the entire LEAA program. An evaluation of this nature was decided upon in order that the success of the LEAA program could be reviewed fully and built upon, and so that we could learn from those activities which have proved less successful. The conclusions of the review, which is being conducted mainly by third-party organizations such as the Advisory Committee on Intergovernmental Relations, the National Academy of Science, and the Brookings Institution, will be used by LEAA management to examine the LEAA program and to make such changes as appear to be necessary to make the program more effective and efficient.

The evaluation policy of LEAA will continue to evolve as results come in. Lessons are being learned monthly about how to design and conduct evaluations. In fact, guidelines on evaluation have been revised twice in the past 18 months.

The LEAA Guideline Manuals for the block and discretionary grant programs clearly define the high priority which LEAA has placed upon performance measurement and evaluation in these programs. The monitoring and evaluation requirements set forth are designed to assure that information is systematically generated about the level of, and the reasons for, the success or failure which is achieved by LEAA-funded projects and programs. More specifically, the purpose of these requirements is to provide for a process which permits determination of the extent to which projects are contributing to general objectives which LEAA or the states have set, and to determine the relative effectiveness and cost of different approaches to the same objectives. The requirements which are articulated in these guidelines are specifically designed to aid in achievement of three broad purposes:

The increased utilization of performance information at each level of law enforcement assistance programs in planning and decision making in order to assist program managers achieve established goals;

The acquisition and dissemination of information on the cost and effectiveness of various approaches to solving crime and criminal justice system problems; and,

The gradual development within state and local criminal justice system units

of an increasingly sophisticated evaluation capability as part of their management systems.

In their annual action programs each year, the State planning agencies are required to give detailed progress reports for each program which is funded in the last complete funding cycle. In addition, the States are required to take account of the results of the national evaluation program and its own evaluations in planning future activities, and to forward copies of all final reports of intensive evaluations to the appropriate LEAA regional office and to the National Institute.

To assure the maximum benefit from its evaluation program, LEAA has promoted the use of criminal justice evaluation information on a nationwide scale. Within the National Criminal Justice Reference Service, LEAA has established a clearinghouse of evaluation reports. Program planners and project personnel can now easily obtain examples of evaluation research for numerous types of projects. A more systematic collection of evaluation information has been compiled for major topic areas such as Youth Service Bureaus under the National Institute's National Evaluation Program. The first phase of the National Evaluation Program will include an assessment of the current knowledge about how well particular programs work in various jurisdictions around the country and development of a design for more rigorous study of these programs' operations.

The National Institute has identified several innovative criminal justice programs which are exemplary and has encouraged their adoption by local agencies. This encouragement has taken the form of direct grant support to selected jurisdictions and the complete documentation of program operations and results for dissemination to agencies throughout the country.

The Institute has also supported development of detailed operational guidelines in selected program areas. These guidelines, called Prescriptive Packages, are based on findings of research, as well as operational experience. The function of this program is to identify areas of major concern to criminal justice practitioners and to publish comprehensive information that will assist in the development and implementation of improved operations in each of these areas.

In June 1975, LEAA published a Compendium of Selected Criminal Justice Projects as part of the effort to identify, evaluate, verify, and transfer promising projects. The Compendium, copies of which have been previously provided to the Subcommittee, describes more than 650 projects involving $200 million of LEAA funds and summarizes their reported impact on crime and on the criminal justice systems. One third of the projects are considered especially innovative and have high levels of outcome evaluation. LEAA will build on this experience to develop standardized performance reporting and to refine evaluation requirements of projects which are funded.

A complement to LEAA technology transfer efforts are programs which provide training and technical assistance in the evaluation area. A pilot effort in this regard is the National Institute's Model Evaluation Program.

This experimental program is designed to encourage selected jurisdictions to create and implement their own, locally developed evaluation strategies. An independent contractor will document this implementation and assess the ability of State planning agencies and regional planning units to generate useful evaluation information. Workshops are being developed to train operational agency personnel in the techniques of evaluating specific programs.

Technical assistance in evaluation is also being offered through LEAA's ten regional offices in two major ways. A planner-evaluator in each regional office provides assistance on request to planning agencies. Through the Urban Institute, a contractor with extensive experience in evaluation of governmental social programs, the regional offices also are able to provide technical assistance on an in-depth basis in specific areas.

In November 1974, the National Institute's Office of Evaluation sponsored a conference in Atlanta which was aimed at providing assistance to State and local attendees on such questions as how to organize for evaluation, how to select evaluators, how to manage evaluations, and how to utilize evaluation results. Another conference is being planned for the spring of 1976, at which time the results of evaluations of law enforcement and criminal justice programs and projects will be presented.

Two kinds of evaluation training are now under development. One is a program to train corrections program evaluators, whose purpose it will be to measure the effectiveness of corrections projects, a high priority of the Congress. Also being developed is a one-week course designed to teach monitoring and evaluation skills to State and local personnel. This course should be completed and ready for trainees later this year.

It can be seen from this brief recitation of LEAA's activities in the area of evaluation that we are moving forward and that significant accomplishments can be expected. To insure that this progress continues, in September of last year, LEAA initiated a comprehensive review of evaluation policy. This review included an in-depth assessment of Agency evaluation activities and accomplishments since March, 1974. Just last month, the Evaluation Policy Working Group completed its review and submitted its final report. The findings of this review are quite promising. As a result of the Working Group's recommendations, several new evaluation initiatives are now being considered. For the full information of the Subcommittee, I would like to submit at this time a brief summary of the findings and recommendations of the Evaluation Policy Working Group.

I have also included as Appendices to my statement three items prepared by the Working Group. The first is an overview of current evaluation activities in LEAA. The second is a list of major LEAA program and project evaluations. The third is a table of LEAA resources committed to evaluation in fiscal year 1976.

I would also like to submit at this time briefing material concerning the National Institute of Law Enforcement and Criminal Justice. This information is pertinent to both evaluation efforts and equipment development, the next issue I would like to address.

EQUIPMENT

One issue which has received considerable attention over the course of the LEAA program has been the use of funds to support purchase of equipment or police "hardware." Equipment development and purchase has been an important aspect of the LEAA program. Research activities aimed at the development of more efficient tools for all law enforcement and criminal justice personnel will continue to receive the attention of the National Institute. However, charges that the agency has placed undue emphasis on such activities are unwarranted.

LEAA was established largely in response to the riots and civil disorders of the late 1960's. The primary purpose of the Agency was to assist State and local governments in strengthening and improving criminal justice at every level through a program of national assistance. To meet this mandate and address the pressing problems which were facing all areas of the country, LEAA's early efforts were largely directed towards increasing the law enforcement capabilities of State and local police forces. Of particular note was an amendment in our original authorization bill which required LEAA to expend a portion of its funds within a very short time. This encouraged the purchase of equipment by numerous localities, since this was the only means to expend the funds within the mandated period. It is ironic that we are now being criticized for spending too much for police equipment in those early years when the Agency was, in fact, responding to Congressional and public demands.

For the full information of the Subcommittee, I have included as Appendix 4 to my statement several tables showing LEAA expenditures for police equipment. As can be seen, block grant expenditures have decreased from 40 percent of the total in fiscal year 1969 to 13 percent in fiscal year 1975. Non-block expenditures have gone from 32 percent to 1 percent in the same period. Another chart details equipment expenditures by category in fiscal years 1972 and 1973. It is of note that the bulk of equipment expenditures was for communications and data processing equipment.

I might again emphasize in this regard, Mr. Chairman, that one factor which may have caused some law enforcement agencies to tend toward the purchase of equipment with LEAA funds is the term of the Agency's authorization. Established in 1968, the authorization of LEAA was extended in 1971 and again in 1973. Now we must again go through the reauthorization process in 1976. For the reasons discussed previously, many program participants may have determined the most enduring use of funds was the purchase of equipment.

LAW ENFORCEMENT EDUCATION PROGRAM

I would like to briefly discuss the Law Enforcement Education Program, Mr. Chairman, since I know this is an area of concern to the Subcommittee.

The LEEP program provides grants and loans to help finance college studies for criminal justice personnel—mostly in-service police officers—and for promising students committed to entering criminal justice careers. Currently, approximately 100,000 students and 1,000 institutions participate in the program.

Since the inception of the LEEP program, 250,000 individual students have received grants or loans totalling over $180 million. A large number of the awards

made are now being cancelled by grantees and borrowers who are completing their criminal justice employment obligations as prescribed by law.

For 1977, the LEEP program will be eliminated, except for full-time students currently enrolled in a multi-year course of study. These students will be supported until the conclusion of their programs to avoid undue hardships. All students currently in the program will be supported through the 1976–1977 academic year.

LEAA AND CRIME

Another issue which you requested me to address, Mr. Chairman, was the relationship of the LEAA program to the rate of crime. As we are all aware, there has been no permanent decrease in the escalation of crime in the Nation. This escalation is troublesome to all of us.

As the Attorney General has indicated in testimony before the Senate Judiciary Subcommittee on Criminal Laws and Procedures, LEAA is working in a pioneering and difficult area. The interrelationships of social and economic factors as they impact on crime are enormously complicated. LEAA, because of the relatively limited amount of assistance it provides to State and local governments for law enforcement and criminal justice programs, cannot itself be expected to immediately cause a reduction in the growth of crime. Yet, I must disagree with those who say that significant progress is not being made.

The block grant program established by the Omnibus Crime Control and Safe Streets Act of 1968 was unique in that it allowed States and localities to participate directly in making the decisions that were to affect them. A discretionary fund was to be used by LEAA to support demonstration projects involving new criminal justice concepts. LEAA's administration of this program has been successful, with many innovative and exemplary projects having been supported.

Of course, in any attempt to try out new ideas, there may be failures as well as successes. It is only through trying new techniques in law enforcement that any progress can be made.

The annual expenditures of LEAA, which some have termed "massive," represent only about five percent of the total amount spent annually by State and local governments for law enforcement and criminal justice purposes. It cannot reasonably be expected that with this small proportion of funds, LEAA could have an immediate, profound impact on the Nation's crime rate, particularly in light of the many factors other than money which affect crime. Yet, in its seven years of existence, the Agency has caused States and localities to re-think many of the basic law enforcement premises under which they have operated, and many significant improvements have been achieved.

I submit at this time a chart which reflects trends in serious crime over the past five years, compiled by quarters from the FBI's Uniform Crime Report. It can be seen that there has been quite a fluctuation in the reported crime rate over the past five years, with some upward and downward trends evident.

There is certainly no correlation, direct or indirect, between the flow of LEAA funds, or the amount of our program activity, and the trends reflected in this chart. LEAA did not seek to take credit for the downturn in reported crime in 1972. There are too many other factors which impact on crime, besides the relatively limited amount of LEAA assistance, for crime rate figures to be correlated with LEAA expenditures. It can be hoped that our efforts to improve and upgrade State and local law enforcement and criminal justice will have some long-term impact in curbing the escalation of crime.

INTERNATIONAL AUTHORITY

An additional matter of concern which you indicated you would like me to discuss, Mr. Chairman, is LEAA's international authority. The fact that LEAA has been given such authority is an indication of the realization that all crime with which State and local authorities deal is not solely domestic in its origin.

The Crime Control Act of 1973 broadened LEAA's international authority in three significant ways. First, the National Institute of Law Enforcement and Criminal Justice was made an international, as well as national, clearinghouse for the exchange of information. Secondly, the collection and dissemination of statistics on the progress of law enforcement outside the United States as well as within the country was permitted. Thirdly, LEAA was authorized to render technical assistance to international agencies.

The areas of technical assistance specifically identified in floor debate as appropriate for LEAA participation were narcotics interdiction, skyjacking, and terrorism. These three areas of criminal activity have an obvious and direct effect on United States Federal interest, but also on State and local law enforcement. They are examples of the types of criminal activities which transcend local boundaries and with which all jurisdictions must be concerned under our system of responsibility for law enforcement.

As has been previously reported in correspondence to the Subcommittee, LEAA has initiated a number of activities and entered into agreements pursuant to this international authority. While only a very limited amount of LEAA resources has been devoted to such activities, I believe efforts to date have been beneficial. Not only have we learned a great deal about the practices of law enforcement and criminal justice agencies in other countries, but a mechanism for international cooperation has been developed whereby efforts can be directed at common problems.

OTHER PENDING LEGISLATION

I would like to now discuss LEAA's views regarding several other bills which are pending before the Subcommittee and which would affect the LEAA program.

H.R. 8967

H.R. 8967, the proposed "State Courts Improvement Act," would provide an alternative approach to meeting the needs of State court systems. A new Part F would be added by the bill to LEAA's enabling legislation to provide grants for the development and implementation of multi-year state court improvement plans. Such funds could be used for establishing court priorities, court improvement projects, the hiring and training of judges and court personnel, statistical projects, support of national court reform organizations, revision of court rules, resolution of State/Federal court programs, and limited court construction.

In order for a State to receive Part F funds, a State would have to have on file a multi-year comprehensive plan for court improvement developed by the State court of last resort or such other body as the court designates. There are certain requirements specified in the bill for the court plan. While the State planning agency would be required to administer grants for particular projects, the court of last resort would, in effect, have application approval powers.

The bill would authorize an additional appropriation to implement Part F equal to 20 percent of the amount appropriated for Part C. Other provisions would require that one-third of State planning agency members be appointed from a list submitted by the Chief Justice of each state, would delete court personnel from the one-third salary limitation of section 301(d) of the Crime Control Act, and would authorize LEAA to provide $5 million annually to support the National Center for State Courts.

While LEAA is in agreement with the general objectives of H.R. 8967, the specific approach which the bill suggests to assist court systems is not as desirable as that of H.R. 9236. Advocates of legislation of this nature have pointed on previous occasions to uneven treatment for courts-related activities funded under the Crime Control Act. Complaints have gone to problems created by uneven treatment at State, local, and regional government levels which result in the short-changing of courts in the fund allocation process and a lack of representation of appropriate court officials at the State, regional, or local level of government. Another issue raised has been the potential for erosion of court independence and equal status as a governmental body. It should be pointed out in this regard, that the Federal Government has had a decade of experience in providing assistance to State and local criminal justice agencies, and we are aware of no examples of such erosion having occurred.

LEAA certainly does not intend to advocate any intrusion upon the neutrality of the courts, or compromise the integrity and impartiality of State court systems. Within the three branches of government, it is clear that there must be independence when each branch is performing its primary function. Because different agencies, organizations, and entities are all component parts of the justice system, there is, however, interdependence between the branches. Activities of courts, law enforcement agencies, and correctional institutions all impact on one-another. Courts must seek funds from State legislatures. In some States, the courts budget is submitted through the State budget office, which is under the direction of the Governor.

The comprehensive planning process encouraged by the LEAA program recognizes this fact and assigns responsibility for Statewide planning and coordination of activities funded by LEAA to one agency in the Executive Branch of State government. This is particularly significant in light of the definition of "comprehensive" included in the 1973 Act, as follows:

The term 'comprehensive' means that the plan must be a total and integrated analysis of the problems regarding the law enforcement and criminal justice system within the State; goals, priorities, and standards must be established in the plan and the plan must address methods, organization, and operation performance, physical and human resources necessary to accomplish crime prevention, identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures.

The needs and priorities of the different components of the system are hopefully recognized as part of the process fostered by the Crime Control Act. When they are not, steps should be taken to increase the capabilities of that part of the system, as is being done by H.R. 9236. The approach of H.R. 8967, on the other hand, is to treat the problem by taking the courts out of the process and having them develop their own plans independent of Statewide priorities. The result of this would certainly be detrimental to system-wide planning, and hurt the courts as well as other agencies within a State.

Aside from the general thrust of H.R. 8967, there are several specific provisions on which I would like to comment. Section 3(c) of the bill would delete court personnel from the limitation in section 301(d) of the Crime Control Act regarding payment of salaries with LEAA funds. The one-third salary limitation was added to the Crime Control Act because of Congressional concern over undue Federal involvement in State affairs. If the total amount of grants for court projects may be used for salary payment, it will be difficult to justify limiting the payment to one-third for other groups. If all LEAA funds could be used for salary payments, it could place an extreme amount of pressure on criminal justice agencies. Once the funds are used to subsidize salaries, it will be difficult, if not impossible, for recipients of funds to withdraw this salary support in favor of some more innovative program, because withdrawal of salary support would in effect mean cutting salaries of judges and court personnel.

Full salary subsidies could create a permanent dependency by State judiciaries on the Federal treasury. This permanent dependency on the Federal treasury for payment of salaries could lead to substantial Federal control and oversight of the operations of State and local courts. It is noteworthy that separation of powers of the branches of government has been put forward as an argument in favor of this legislation, while the danger to separation of powers of the State and Federal Governments has not been fully assessed. It is important that these considerations not be overlooked. Increasing reliance on Federal payments for State judicial salaries could lead to a violation of this separation of powers principle.

Finally in regard to H.R. 8967, Mr. Chairman, the provision whereby the Chief Justice of a State would designate one-third of the members of the State planning agency supervisory board is of concern. Appointment of the State planning agency is now a responsibility of the Governor, under whose jurisdiction the administration of the local LEAA program is placed. By the terms of current law, the State planning agency must be representative of all law enforcement and criminal justice agencies, including courts, units of general local government, public agencies maintaining programs to reduce and control crime, and the private sector. LEAA reviews the membership of the various State planning agencies to assure these requirements are met. Giving authority to the judiciary to designate one-third of the members could not only disrupt the required balance, but could lead to animosity between the court systems and other groups which do not have such authority.

While the approach suggested by H.R. 9236 and H.R. 8967 may differ as to the means for increasing State court involvement in the LEAA program, I hope that this discussion does not detract from efforts already undertaken by the Agency to assist State and local court systems. A number of important efforts have been initiated in this area.

In order to assist the Subcommittee in its deliberations, LEAA has prepared an Index of Successful Court Projects which I would like to submit for your use at this time. The Index describes in some detail numerous court projects supported by LEAA, either through discretionary, statistical, or research programs, or through State and local efforts. The particular projects were deemed to be successful based upon a demonstrated beneficial impact on the criminal justice system,

as reported by program participants, recipients of the services provided, or independent evaluations.

H.R. 7411

H.R. 7411 would amend LEAA's legislation to provide that the various State planning agencies would have to be established by the State legislatures and be subject to the jurisdiction of a constitutional officer selected by the legislature.

This bill would change the present law whereby a State planning agency is to be created or designated by the chief executive of the State and be subject to his jurisdiction. Proponents of the measure have argued that placement of a State's LEAA program under supervision of the Governor gives the chief executive too much authority and serves to bypass the State legislature and other State law enforcement officials. However, it must be pointed out that when this provision was first adopted in 1968, just such issues were specifically considered and rejected by the Congress.

The Department of Justice feels that any attempt to place the State planning agencies directly under the jurisdiction of legislatures rather than executives would be inappropriate. H.R. 7411 would be destructive of the centralized and coordinated Statewide planning which is one of the key elements of the LEAA program. Close supervision of the program would not be possible and there could be a danger of politicization of the entire LEAA effort.

Administration of a program to improve law enforcement and criminal justice is properly an executive function. According to the constitutional scheme under which State governments operate, powers of the branches of government are distinct. Overall responsibility for execution of the law and supervision of law enforcement services resides with the chief executive. It is important that the Governor retain this authority and the appropriate separation of powers be maintained.

LEAA does feel that the State legislatures have a proper and important role in the LEAA program at the State level. Under the tripartite system of government, the legislature already has substantial authority over State participation in the program. The Crime Control Act assures State legislative involvement through several provisions. No State, for example, can participate in the LEAA program unless the State legislature appropriates funds to match the funds received from LEAA.

In addition, the legislature can hold hearings and conduct investigations regarding the LEAA program in the State. While we do favor legislative oversight and general involvement of the State legislatures in reviewing State comprehensive plans, the Department of Justice does not support H.R. 7411 as currently written.

H.R. 11194

H.R. 11194 would amend section 303(a) of the Omnibus Crime Control and Safe Streets Act to add a requirement that comprehensive State plans include provisions for the prevention of crimes against the elderly.

The Department of Justice is presently addressing the problem of the elderly from a number of perspectives. LEAA has continued to study and test measures to prevent crimes which seriously affect the elderly. A research program has been initiated which has as a primary goal the design and effective use of the physical environment in order to reduce crime and improve the quality of life. Research is also being carried out to deal with the impact of crime on different victims, with special attention to the needs and problems of the elderly. Additional attention is being given to the possible role of the elderly, particularly retired persons, in promoting crime prevention in the community. One of the specific programs being emphasized through discretionary funding is a police program for service to protect the elderly. This program will involve the preparation of an instruction manual on and about elderly citizens and will provide guideline assistance to police departments on how to be of service to the elderly, as well as establish a training team for police activities.

Because of this activity and because States are using LEAA block grant funds for similar programs, the Department of Justice does not believe that additional legislation is required at this time in this area.

H.R. 11251

H.R. 11251, the "Local and State Government Speedy Trial Act," would add a new Part F to the Crime Control Act authorizing grants to States, and to units of general local government with a population of over 250,000, to accelerate

disposition of criminal cases in their courts. Grants could be made for program design and implementation, data collection and compilation, and development of plans for improvement of criminal judicial administration in the participating jurisdictions. Allocation of funds would be at the discretion of the Administrator. An amount equal to 10 percent of the Part C appropriation would be authorized to be appropriated for the purposes of Part F.

This legislation represents yet another approach to dealing with the problems of State and local courts. For the reasons pointed out in my discussion of H.R. 8967 and the court provisions of H.R. 9236, we do not favor this legislation. Of particular consequence is the fact that this bill would significantly depart from the block grant approach to funding. Under the block grant program, the States order their own priorities through a comprehensive planning process. LEAA does not dictate to State and local governments how to run their criminal justice systems so long as the State plan is consistent with the law.

The proposed legislation, on the other hand, is more in the nature of a categorical grant program, with an area of State reform being set forth rather explicitly. Such a bill would appear to contradict the previously expressed will of Congress, as reflected in the legislative history of the Omnibus Crime Control and Safe Streets Act and its amending legislation, that categorical grant programs, whereby the Federal Government sets the purpose and terms for the use of criminal justice grant funds by the States and units of local government, be kept at a minimum.

I should finally like to point out in this regard that many jurisdictions are already engaged in activities similar to those contemplated by H.R. 11251. Not only are numerous efforts to assist courts being supported by both block and discretionary funds, but the States are currently going through the process of establishing their own standards and goals for law enforcement and criminal justice. LEAA is assisting the States in analyzing their criminal justice systems and adopting and implementing such standards as each finds appropriate and necessary. It is anticipated that part of this process will entail the establishment of standards for courts and reduction of judicial backlogs. This present approach is certainly preferable to establishing a new discretionary program which would duplicate ongoing efforts.

Thank you, Mr. Chairman. I would now be pleased to respond to any questions which the Subcommittee might have.

Appendix I.—Overview of Current Evaluation Activities in LEAA

In order to aid the work of the Evaluation Policy Working Group, the OPM in conjunction with the NILECJ conducted a survey of existing and planned evaluation or evaluation related activities in each of the major LEAA offices. In the paragraphs below is presented a brief overview of the major evaluation activities of each of these offices.

A. Office of Planning and Management

The Office of Planning and Management has an oversight and policy development responsibility in evaluation. Its Division of Planning and Evaluation Standards attempts to assure, through recommendations, and through continuous monitoring of evaluation programs and activities in all offices within LEAA, that evaluation policy is being consistently followed by all offices within LEAA. The Office of Planning and Management regularly calls together the persons in each office with evaluation responsibilities for consultation and discussion of issues. In February 1975, the Division Director was named to chair the evaluation policy task force which was created to review policy issues which have arisen since the submission of the initial Evaluation Policy Task Force Report in March 1974. At the conclusion of the September Conference, the Division Director was named to chair the Evaluation Policy Working Group which was created to resolve the issues identified in the September Conference and to submit the recommendations contained in this report to the Administrator by September 1975.

In addition, the Office of Planning and Management has developed and issued the fiscal year 1976 evaluation guidelines for discretionary and State Planning Agency grants and is presently preparing for issuance the new fiscal year 1977 SPA Evaluation Guidelines.

B. The National Institute of Law Enforcement and Criminal Justice

Evaluation research has been a significant part of the National Institute's activity since its inception. During the past six years, more than $20 million in

Institute funds has supported evaluation studies or research projects with a major evaluation component.

The Crime Control Act of 1973 directed the National Institute "where possible to evaluate the various (LEAA) programs and projects . . . to determine their impact upon the quality of law enforcement and criminal justice . . ." In response to this mandate, the Institute expanded its ongoing evaluation efforts into a comprehensive evaluation program.

Working from the recommendations of the LEAA Evaluation Policy Task Force set forth in its March, 1974, report, the Institute's evaluation program is designed to:

Assess the cost and effectiveness of a wide range of criminal justice programs and practices.

Enhance the management of LEAA programs by encouraging the use of evaluation results in planning and operations.

Build evaluation capabilities at the Federal, state, and regional level through development of sophisticated evaluation methods and model evaluation programs.

To perform these functions, the Institute has:

Established an Office of Evaluation, charged with developing effective evaluation tools, performing evaluations of major LEAA and criminal justice initiatives, and bolstering the resources available to the states.

Launched a National Evaluation Program, through its Office of Research Programs, to analyze the operations and results of widely-used criminal justice programs.

Initiated a major assessment of the LEAA experience over the past six years, which will examine the impact and effectiveness of the Federal crime control program.

1. Office of evaluation

The Office of Evaluation is responsible for developing new methods of evaluation for the criminal justice field, for evaluating major criminal justice initiatives such as the Impact and Pilot Cities Programs and for assisting the states in improving their evaluation efforts.

Capacity building

In its first year, the Office of Evaluation has concentrated on building evaluation capability at the state level. Among its principal efforts in this area are:

The Model Evaluation Program—a $2 million competition open to state planning agencies and regional planning units. Its goal is development of model evaluation systems which can be used by groups of states or regions which share similar problems or characteristics. This experiment will encourage state and local agencies to generate and use evaluation information.

This program will assess how such information can be used to help local agencies achieve their objectives. Eleven grants have been awarded: 6 to SPAs, 5 to RPUs. (A 12th is under consideration).

A $336,000 grant to the Urban Institute will provide assistance in implementing and evaluating the success of the Model Evaluation Program. The funds will also provide support for technical assistance to state planning agencies and Regional Office Planner/Evaluators and for the identification of evaluation research needs.

An evaluation clearinghouse has been established at the National Criminal Justice Reference Service. This effort will bring together and disseminate all available information on evaluation activities at the Federal, state and local levels.

Studies of the evaluation and monitoring systems currently existing at the state level have been completed and prescriptive reports have been distributed to all state planning agencies and regional planning units.

Program evaluation

A continuing responsibility of the Office of Evaluation is to provide evaluations of major LEAA programs and other criminal justice initiatives of national importance.

The Evaluation of the Pilot Cities Demonstration Program has been completed. The final report from the American Institute for Research argues that the twin goals of system innovation and system improvement often conflicted. The Pilot Team approach, they argue, was successful in promoting improvements in local criminal justice operations though not an efficient approach to creating innovation in criminal justice techniques.

The National Level Evaluation of the Impact Cities Program continues as a major effort and is planned for completion by December, 1975. Samples of evaluation designs used to assess particular projects supported by the Impact program

have been compiled in a report and disseminated throughout the country. With separate components for police, courts, corrections, and target-hardening techniques, the report illustrates numerous evaluation approaches which can aid planners and policymakers.

The Office of Evaluation is currently sponsoring intensive evaluations of the following NILECJ Demonstration programs:

1. Family Crisis Intervention;
2. Community-Based Corrections;
3. Neighborhood Team Policing.

Fiscal year 1976 plans include evaluation projects for the Lower Court Case Handling Demonstration Program. In addition, the LEAA Career Criminal and Standard and Goals programs will be assessed by Office of Evaluation supported projects. An assessment of the automatic vehicle monitoring project in St. Louis is currently underway.

Major criminal justice initiatives of national significance have also been subjects of National Institute program evaluations.

These initiatives include:

1. the New York Drug Law
2. Alcohol De-toxification Programs

Planned program evaluations for fiscal year 1976 include:

1. the Massachusetts Gun Law
2. the Alaska Plea-Bargaining Restrictions

Evaluation research

The Office of Evaluation is promoting the development of new techniques and resources for the evaluation of criminal justice programs.

Under a grant from NILECJ, the University of Illinois is examining the feasibility of establishing a computer-based Data Archive for criminal justice research and evaluation.

The use of stochastic modeling techniques are being investigated as a tool for predicting changes in crime statistics. The procedure has been utilized successfully in Atlanta and is now being tested with data from other cities.

A grant has been let to evaluate the state of the art in criminal justice system modeling and to assess their utility for local planning and decision-making.

2. National evaluation program

The purpose of the National Evaluation Program (NEP) is to produce and disseminate to criminal justice policy makers at all levels practical information about the level of effectiveness, cost and problems of various widespread law enforcement and criminal justice programs.

Basically, the NEP, implemented in fiscal year 1975, consisted of a series of phased evaluation studies in various areas of criminal justice activity, including those LEAA supports through its lock grant program. Each evaluation study concentrates on a specific "Topic Area" consisting of on-going projects having similar objectives and strategies for achieving them. In a "Phase I" study of a topic area, existing information and prior studies relating to the area are collected and assessed and a design developed for further indepth evaluation necessary to fill significant gaps in our present knowledge concerning the area. Each Phase I assessment, conducted over a period of six to eight months, results in the following:

A state-of-the-art review;

Descriptive material documenting the typical internal operations of projects in that topic area;

An analysis of available information drawing conclusions about the efficiency and effectiveness of projects in the topic area;

A design for an indepth or "Phase II" evaluation of the topic area to fill gaps in existing knowledge; and

An evaluation design for typical projects in the topic area which will assist project administrators in assessing their own operations.

Where appropriate, the design for an indepth evaluation will be implemented as an intensive Phase II evaluation.

Topic areas for Phase I assessments during fiscal years 1975 and 1976 were selected in cooperation with the LEAA Regional Offices and the State Planning Agencies. To date, a total of 19 Phase I assessments have been funded in the following topic areas:

Youth service bureaus;

Juvenile diversion;

Alternatives to incarceration of juveniles;

Juvenile delinquency prevention projects;
Custodial detention of juveniles and alternatives to its use;
Operation identification projects;
Citizen crime reporting programs;
Citizen patrol projects;
Specialized police patrol operations;
Police crime analysis projects;
Traditional preventive police patrol;
Neighborhood team policing projects;
Pre-trial release programs;
Pre-trial screening projects;
Court information systems;
Residential inmate aftercare (halfway houses);
Early warning robbery reduction projects;
Treatment alternatives to street crime projects;
Security survey/community crime prevention programs.

In addition, applications for Phase I funding are now being processed in the topic areas of Police Intelligence Units, Indigent Defense Programs, Furloughs for Prisoners Programs, and Intensive Special Probation Programs, Fiscal 1976 plans call for carrying out additional Phase I assessments in the following topic areas:

Police juvenile units;
Juvenile court intake units;
Citizen victim service projects;
Street lighting projects;
Security of urban mass transit systems;
Co-ed correctional institutions;
In-prison disciplinary and grievance procedures;
Institutional education programs for inmates;
Employment services for releasees and probationers in the community.

Of the 19 funded Phase I assessments, two have been completed, the studies of Operation Identification Projects and Youth Service Bureaus. A report summarizing the findings of the Operation Identification assessment has recently been disseminated to criminal justice policy-makers at the national, regional, state and local levels. Reports from the Phase I assessment of Youth Service Bureaus have been received and are currently under review in the National Institute. Twelve additional Phase I studies are scheduled for completion by the end of calendar 1975. Widespread dissemination of all Phase I reports is planned.

Later in fiscal 1976, the first Phase II evaluations will be funded.

3. Exemplary projects

LEAA's Exemplary Projects Program is a systematic method of identifying outstanding criminal justice programs throughout the country, verifying their achievements, and publicizing them widely. The goal: to encourage widespread use of advanced criminal justice practices.

Rigorous screening procedures have been established to glean only the very best programs—those which warrant adoption on a broad scale. To be eligible for consideration projects must:

Be operational for at least a year;

Have significantly reduced crime or measurably improved the operations and quality of the criminal justice system;

Be adaptable to other jurisdictions.

Following review by staff of the Institute's Office of Technology Transfer, the most promising submissions are validated by a contractor, working under OTT direction. The validation process includes an objective analysis of the project's achievements and an on-site assessment of its operations. The resulting report is submitted to a nine-member Advisory Board, which includes representatives from the state criminal justice planning agencies and LEAA Central and Regional Offices. The Board meets twice a year to select the Exemplary projects.

Brochures and detailed handbooks are then prepared on each Exemplary Project to guide policymakers and criminal justice administrators interested in benefiting from the project's experience. The reports provide considerable detail on operating methods, budget, staffing, training requirements, potential problem areas, and measures of effectiveness. Particular attention is focused on evaluation methods which allow other localities to gauge their own success and shortcomings.

To capitalize further on the progressive concepts of these Exemplary Projects, the National Institute also sponsors training workshops throughout the country. During the past year, interested communities have had the opportunity to learn how to implement programs patterned after the Des Moines, Iowa, community-based corrections system and the Columbus, Ohio, citizen dispute settlement program. In the current year, workshops will cover the Sacramento, California, diversion program for juvenile status offenders.

Projects which have been designated by LEAA as of September, 1975 include:
Volunteer probation counselor program, Lincoln, Nebr.
Fraud Division, King County (Seattle) Prosecutor's Office, San Diego County District Attorney's Office.
Street Crime Unit, New York City Police.
Central Police Dispatch, Muskegon County, Mich.
Administrative Adjudication Bureau, New York State Department of Motor Vehicles.
Prosecutor Management Information System, District of Columbia.
Community-based correction program, Polk County, Iowa.
Citizen dispute settlement program, Columbus, Ohio.
601 juvenile diversion project, Sacramento, Calif.
Providence Education Center, St. Louis, Mo.
Neighborhood Youth Resources Center, Philadelphia, Pa.
Public Defender Service, District of Columbia.
Community based adolescent diversion project, Champaign-Urbana, Ill.
Police Legal Liaison Division, Dallas, Tex.
Parole office aide program, Columbus, Ohio.
Ward grievance procedure, California Youth Authority.

4. Compendium of selected criminal justice projects

In addition, LEAA has initiated a two-pronged effort (1) to develop an inventory of the more promising LEAA-funded projects and (2) to develop a system for the routine identification, validation, evaluation and eventual transfer of particularly promising criminal justice operations.

In June 1975, a Compendium of Selected Criminal Justice Projects was produced based on a national survey and independent verification. Descriptions of over 800 projects and their impact are presented for four classes of projects (1) exemplary projects, (2) prescriptive packages, (3) promising projects, and (4) state and local support projects. Nomination and selection of projects for these designations is being institutionalized in LEAA to insure the maximum use and identification of the independently verified promising projects.

C. OFFICE OF NATIONAL PRIORITY PROGRAMS

The Office of National Priority Programs has responsibility for the development, funding, implementation, monitoring and evaluation of new program initiatives in those areas designated by the Administrator as being of the highest national priority. The Program Development and Evaluation Division of the Office has responsibility for the implementation of the evaluation policy of the agency and of the Office. The major programs administered by the Office are: standards and goals programs and projects, citizens' initiative programs and projects, and career criminal programs and projects. New programs in the areas of crime prevention and crimes against business are planned for this fiscal year. The procedure followed by the Office involves notification to applicants of the policy and procedures which apply to every grant application through program announcements and through the Guide for Discretionary Grant Programs, which contains a special section on the programs administered by the Office and a special paragraph on its evaluation procedures (paragraph 55 in Guideline Manual M4500.1.D).

The basic components of the procedures followed by the Office are as follows:

1. Independent, objective evaluation of impact is to be built into each project from its inception.
2. Specific professional-level criteria are listed both for the evaluators and for the evaluation plans.
3. Evaluation plans and evaluation reports must be reviewed and approved by ONPP's professional evaluation specialists.
4. The policy applies to all applications which are submitted to ONPP for direct funding and monitoring.
5. The cost of evaluation is included in the cost of the project.

6. Initial and continuation funding is contingent upon compliance with the evaluation policy.

7. Quarterly and final evaluation reports are required.

During fiscal year 1975, these evaluation procedures were used by the Office in the review and action on 31 grant applications, ranging in size from $22,000 to $1.3 million. In most cases, the applications were already in process by the time the new procedures, instituted only in the latter half of fiscal year 1975, began to be used. No final evaluation reports have been produced which reflect the impact of the new procedures. The new procedures are having an impact on the design of projects and grant applications.

All applications now have evaluation plans in them when received. Increasing numbers of applications have satisfactory plans, with a full evaluation plan and quantifiable objectives where those are possible and appropriate.

The evaluation unit in the Office also reviews evaluation results for quality and utility, reports its analyses to grantees and to grant monitors, and makes recommendations for ways in which evaluation and evaluators can be improved, as well as ways in which evaluation results can be used to modify project design.

D. NATIONAL CRIMINAL JUSTICE INFORMATION AND STATISTICS SERVICE

This office makes grants for the development of comprehensive data systems at the state level and also for development of specialized criminal justice and law enforcement information systems. It also sponsors the collection, analysis, and dissemination of statistics about law enforcement and criminal justice. Two major divisions, the Systems Division and the Statistics Division, carry out these responsibilities. Evaluation plans are being built into grants.

The Systems Division has initiated two major studies which are evaluative in character. These are:

1. The CDS cost and benefit study

This study was initiated in fiscal year 1974 in response to a General Accounting recommendation that both Federal Government and the individual states should have better projection of the potential costs and benefits associated with implementation of the Comprehensive Data Systems Program.

The Institute for Law and Social Research received a $203,009 grant for Phase I and a $223,238 grant for Phase II to project the total developmental and yearly operating costs for CDS implementation in the 50 states plus D.C. and Puerto Rico through 1984, and to develop a cost-benefit methodology to support policy decisions re:

Financial implications of the CDS program at the Federal level.

Assignment of system development priorities for cost/benefit maximization.

Financial implications of states assuming responsibility of CDS operating costs once the Program is fully implemented.

This study is providing major input to the development of LEAA guidelines and future funding strategies for the CDS Program. The report of Phase I became available in August 1975.

2. Review and assessment of telecommunications planning in the 50 SPA's

The Associated Public Safety Communications Officers, Inc., is conducting an intensive review and assessment of current telecommunications planning in each of the 50 State Planning Agencies. Although the major objective of this two-year project is the development of a model intra-state telecommunications plan for use by state law enforcement planners, the major project activity focuses on evaluation of individual state planning efforts. Evaluative information on the extent and types of telecommunications planning being carried out in each state will be analyzed for effectiveness and summaries of individual state assessments will be compiled in a reference document which depicts the status of each state's planning efforts relative to others. This national assessment will be completed in December 1975.

3. National crime panel evaluation

The National Academy of Sciences, with a panel of outstanding criminologists, statisticians and other social scientists, has undertaken an examination and evaluation of the National Crime Panel. The National Crime Panel is the large statistical survey developed by NCJISS's Statistics Division to measure continuously the amount and nature of assaultive violence and common theft in the United States. The evaluation will appraise the survey's accomplishment of its

stated objectives with completeness, accuracy, reliability, perceptive analysis, and careful dissemination, and assess the utility of the results in light of the statistical needs of present and potential users. A final report summarizing findings and recommendations is due in January 1976.

4. NCJISS assessment

As part of the six-year evaluation of the LEAA program, LEAA has contracted with the Research Triangle Institute for an evaluation of NCJISS's relationship with its consumers, that is, with the receivers and users of NCJISS sponsored statistical compilations and NCJISS's support and technical assistance for information and telecommunications systems development.

E. OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

The Juvenile Justice and Delinquency Prevention Act of 1974, signed into law on September 7, 1974, created a major new Federal program to combat juvenile delinquency and to improve juvenile justice. Congress enacted this legislation because, in its words, "existing Federal programs have not provided the direction, coordination, resources, and leadership required to meet the crisis of delinquency."

The Juvenile Justice Act established within LEAA the Office of Juvenile Justice and Delinquency Prevention and, within that Office, the National Institute for Juvenile Justice and Delinquency Prevention. The Institute was given four major functions: (1) coordinating and funding delinquency prevention programs, (2) establishing training programs for personnel connected with the treatment and control of juvenile offenders, (3) developing standards for the juvenile justice system, and (4) collecting and disseminating useful information.

Planning for evaluation

The Institute believes it is important that planning a program and planning for the evaluation of that program go hand in hand. In this way, projects can be designed to facilitate useful and meaningful evaluations.

The tasks necessary to plan for program evaluation are not being handled exclusively by Institute staff. The Institute involves a group of outside experts to assist in this effort. This grantee is chosen before any work is undertaken in planning for a program area.

The evaluation planning group is represented in every stage of planning for the program initiative. It has responsibility to:

Assess knowledge relevant to the program area topic and to report on this in a background paper.

Participate in meetings concerned with strategy development.

Provide assistance in developing guidelines that are part of the program announcement.

Review concept papers and preapplications to assess whether their design will facilitate a good evaluation.

Make site visits to potential grantees to determine the availability of data and whether the program contemplated is evaluable.

Complete development of the evaluation strategy and the research design during the period that the final action grant applications are being developed and processed.

These tasks to date have been carried out for the status offender program, the first of the priority areas. Planning is now underway for the second area, diversion. The grantee undertaking the work for the status offender program is the Social Science Research Institute of the University of Southern California; Project Directors are Dr. Solomon Kobrin and Dr. Malcolm Klein. The grantee for the diversion area is Portland State University; Project Director is Dr. Don Gibbons. Grantees have not yet been chosen for the two remaining priority areas.

A separate group of related awards will be made to undertake the actual evaluations of projects funded under each program area. One grantee will be responsible for coordinating the evaluations of all projects funded under a program area and for developing a comprehensive report. Separate awards will be made to conduct the on-site portion of the evaluations of separate action projects funded under a program initiative.

Assessing current knowledge

As mentioned above, the first task of each evaluation planning group is to compile and assess available knowledge about each subject area. To a large extent these efforts will draw upon the results of a series of studies initiated a number of months ago. These studies, undertaken through the National Evalu-

ation Program (NEP) of the National Institute of Law Enforcement and Criminal Justice (NILECJ), will conceptualize the topic area, develop a taxonomy (or system of classification) of project types within the universe being studied, make site visits, review existing relevant literature, synthesize existing knowledge, and develop research designs for future evaluations.

The first NEP study, on Youth Services Bureaus, (Schuchter and Polk—Boston University) has been completed and the revised final report is due soon. Other studies, on diversion and alternatives to incarceration (Rutherford—University of Minnesota), alternatives to detention (Pappenfort—University of Chicago), and delinquency prevention (Walker—Ohio State University) will be completed by November.

There are other knowledge assessment projects also being funded whose results will feed directly into program initiative planning. These include a study of juvenile gangs in the 12 largest U.S. cities (Miller—Harvard University Law School), and a study of intervention programs designed to reduce crime in the schools (Marvin—Research for Better Schools Laboratory). The Institute also is beginning assessments of intervention techniques for the treatment of violent juvenile offenders (Rand Corporation) and a study of the relationship between delinquency and learning disabilities (American Institutes of Research).

Another Institute study also is relevant to program initiative planning. The Institute had the assistance of the Council of State Governments in determining and validating a rather elaborate classification scheme for determining whether juvenile offenders are "status offenders." This scheme was included in the SPAs guidelines for the block grant program and will be used in evaluating the status offender discretionary grant program.

INSTITUTE MANDATES AND ACTIVITIES

The Act authorizes the Institute to perform four major functions:

1. To collect, prepare, and disseminate useful data regarding the treatment and control of juvenile offenders.
2. To conduct, encourage, and coordinate research and evaluation relating to any aspect of juvenile delinquency.
3. To provide training for personnel connected with the treatment and control of juvenile offenders.
4. To develop standards for the administration of juvenile justice at the Federal, State, and local levels.

What follows is a brief summary of what the Institute is doing in each area.

Information

Section 242 of the Act mandates that the Institute serve as an information bank and clearinghouse for the collection, synthesis, and dissemination of information regarding all aspects of juvenile delinquency. Section 234(7) authorizes the creation of a periodic journal for information dissemination purposes.

Juvenile delinquency assessment centers.—As a major aspect of its information program, the Institute proposes to establish several Assessment Centers, each focusing on a different aspect of juvenile delinquency or juvenile justice. Each will collect, synthesize, assess, and disseminate information within a topic area. Activities will be coordinated with other LEAA units, including the National Criminal Justice Information and Statistics Service, the Office of Public Information, and the National Criminal Justice Reference Service. The institute intends to use the Reference Service as its principal vehicle for information dissemination.

Publications program.—The Institute also is in the process of developing an extensive publications program. This will include the development of brochures, flyers, program announcements, research monographs, and perhaps a periodic journal. The research monographs and the journal would be the major vehicles for communicating research findings.

National juvenile court statistical reporting system.—The Institute is processing a grant to the National Center for Juvenile Justice, the research arm of the National Council of Juvenile Court Judges, to support the Reporting System, which previously was conducted by the Department of Health, Education, and Welfare. The Grant will include support for production of the System's annual report.

Respondents panel.—Another grant to the National Center, also being processed, will support a panel of knowledgeable people in each State, which will be designed as a sort of early warning system on trends in juvenile justice. The panel also will collect limited amounts of information, such as arrest data on particular types of offenders.

Juvenile court information systems.—The Institute has awarded a grant to the National Council of Juvenile Court Judges to conduct an assessment of electronic information systems in juvenile courts.

Research and evaluation

Section 243 of the Act authorizes the Institute to sponsor basic research and program evaluations on any aspect of delinquency.

A major part of the basic research program is intended to provide support for the development of the major program initiatives, as discussed above. These include the NEP studies and other knowledge assessments. Other programs are described below.

Delinquent behavior.—The Institute is providing continuing support for the Delinquency in American Society project (Simon and Puntil—Institute for Juvenile Research). This project is analyzing data gathered in a statewide Illinois sample of more than 3,000 youth (including data on the communities in which they live). The study will add to knowledge of the nature and distribution of juvenile delinquency.

Police diversion.—This study (Klein—University of Southern California) is examining police diversion programs in the 47 independent police departments in Los Angeles County. The study's objectives are (1) to determine patterns in the development of diversion programs and how these relate to the success of the program, (2) to develop criteria for evaluating police diversion programs, (3) to determine relationships between departmental diversion and referral rates, and (4) to assess the impact of evaluation components on the form, practice, and outcome of diversion programs.

Court processing of juveniles.—The impact of the legal process and of formal legal sanctions on juveniles in Virginia is being examined by this project (Thomas—College of William and Mary). The study includes both juveniles who do and do not have juvenile justice system involvement. Its purpose is to test some of the hypotheses underlying labelling theory including the effects of formal processing on subsequent delinquent behavior.

Juvenile corrections.—Continuation support is being provided to the National Assessment of Juvenile Corrections (Vinter and Sarri—the University of Michigan). This project seeks (1) to develop objective, empirical bases for assessing the relative effectiveness of correctional programs, (2) to generate systematic, comparative, and comprehensive nationwide information about major aspects of juvenile corrections, and (3) to make policy recommendations about juvenile correctional program design, structure, and purpose; resources; planning; legislative action; and statute revision.

Long-range planning.—The Institute recently awarded a grant (Kahn—Hudson Institute) to analyze basic social and demographic trends, to develop projections with regard to the possible impact of these trends on crime and delinquency, and to suggest the implications of those possibilities for future programming. This study is being funded in conjunction with NILECJ.

Overview.—The Institute has commissioned a "bright paper" (Zimring—University of Chicago) that will summarize what currently is known about the relationship of delinquency to various types of Federal Government programs and will identify a few susbtantive areas of immediate importance. The paper is being produced primarily to aid the Coordinating Council on Juvenile Justice and Delinquency Prevention, which is made up of representatives of all Federal agencies with juvenile delinquency responsibilities and which is responsible for coordinating all Federal juvenile delinquency programs. This paper will also be of great assistance to the Institute in its planning efforts.

Longitudinal study.—The Institute has begun to plan a major longitudinal cohort study designed to sort out the contributions made by various factors toward the causation, development, and maintenance of delinquent and criminal careers. Health, education, employment, and other social factors would be studied.

The study could involve the joint efforts of several Federal agencies and hopefully would address the concerns of each. It might be designed to cover at least a 10 to 15 year period.

The Institute believes that the Federal Government should assume responsibility for sponsoring such a study—a long-term effort that should be undertaken while the nation continues to seek short-term solutions to the problems of delinquency.

System flow study.—Also under consideration by the Institute is a major study of the flow of youths through the juvenile justice system. Such a study would provide information on various aspects of juvenile justice processing of youths,

including administrative procedures, decision-making processes, and the consequences of formal system involvement.

Effects of alternatives to incarceration.—A multi-year evaluation of the Massachusetts experiment in alternatives to incarceration for juveniles (Ohlin—Harvard University) is being continued by the Institute. Entering its fifth year, the project is evaluating the community-based programs developed since Massachusetts closed its training schools in 1972.

Youth services centers.—The Institute is planning to evaluate a Youth Services Center in Philadelphia, Pa., that is aimed at diverting youths from and preventing their entry into the juvenile justice system.

Training

Section 244 of the Act mandates a major role for the Institute in training persons working in the juvenile justice area. The Office of Technology Transfer of NILECJ is doing a limited amount of work in this area: providing some training in the techniques used in Sacramento's 601 Diversion Program and disseminating materials concerning Philadelphia's Neighborhood Youth Resources Center and St. Louis' Providence Educational Center.

The Institute is in the process of developing a training program to address mandates in the Act. These mandates include (1) to develop a training program within the Institute; (2) to provide training through agencies or organizations at the national and regional levels; and (3) to develop technical training teams to assist the States.

There will be two types of training: fairly extensive programs to develop basic skills and short-term programs designed to expose people to new skills. Those to be trained include professional, paraprofessional and volunteer personnel including those involved in law enforcement, education, judicial functions, welfare work, and other fields.

Standards

Section 247 of the Act mandates that the Institute review existing reports, data, and standards relating to the juvenile justice system and develop recommended standards for the administration of juvenile justice at the Federal, State, and local level by September 7, 1975.

Although it will not be possible to develop standards in all areas by that date, the Institute will submit a report defining the purpose, role, scope, and implementation alternatives of the standards effort.

The Institute will coordinate its standards effort with two other on-going standards development projects—the Juvenile Justice Standards Project, conducted by the American Bar Association and the Institute of Judicial Administration in New York, and the Standards and Goals Task Force being staffed by the American Justice Institute in San Jose, Calif.

F. OFFICE OF REGIONAL OPERATIONS

The ORO has two major functions which involve evaluation activities. This office is responsible for managing and supervising the administration of large portions of the LEAA program by the ten regional offices of LEAA. Each region now has filled the authorized position of planner-evaluator which serves as the focus of regional office evaluation activity. The planner-evaluator has the lead responsibility for building the capacity within State Planning Agencies to evaluate their block grant programs which account for the bulk of LEAA program funds.

The planner-evaluator personally does not perform program or project evaluation. Primarily he is involved in reviewing, assessing, monitoring and providing technical assistance and training to State Planning Agencies and Regional Planning Units in planning and implementing criminal justice evaluations. The planner-evaluator provides the substantive review on planning-evaluation as regards State planning grants, comprehensive plans and action grant applications. In selected cases, the planner-evaluator may review components of regional office awarded discretionary grants. In most regions, the planner-evaluator coordinates the development of the regional office "Management-by-Objectives" submissions.

The second major area of ORO responsibility involves the Administration of a substantial portion of LEAA's discretionary grant funds. These monies are made available to grantees who are required to develop an acceptable performance measurement plan as part of the grant appl ation and who may apply for and receive funds for the conduct of program or pr ect evaluations.

Discretionary funds are awarded by the various ORO program desks: police, courts, corrections, organized crime, narcotics and dangerous drugs, and Indian programs. Contractors generally are employed by the grantees to implement the evaluation component of approved applications, with ORO approving the evaluation design and the evaluator. Major program evaluations of programs implemented by ORO and/or the regions (e.g., national or first time demonstrations such as Impact, Pilot Cities, and TASC) generally are undertaken by the National Institute. Significant evaluations will be submitted to the National Criminal Justice Reference Service.

G. OFFICE OF OPERATIONS SUPPORT

The Training Division of the Office of Operations Support is engaged in the development of a one-week evaluation training course for State Planning Agency staffs and for Regional Planning Unit and local government personnel. This course design is to be completed by February, 1976, and a series of courses is to be offered beginning in the spring of 1976.

APPENDIX II.—LIST OF MAJOR LEAA PROGRAM AND PROJECT EVALUATIONS

In the paragraphs above are described the current LEAA evaluation activities of the major LEAA offices. These activities have already produced several major evaluation products:

The Evaluation of the Pilot Cities Demonstration Program was completed in June, 1975. The final report from the American Institute for Research argues that the twin goals of system innovation and system improvement often conflicted. The Pilot Team approach, they argue, was successful in promoting improvements in local criminal justice operations though not an efficient approach to creating innovation in criminal justice techniques.

The Institute for Law and Social Research completed its CDS Cost Benefit Study in May, 1975. This study was designed to project the total developmental and yearly operating costs for CDS implementation in the 50 states plus D.C. and Puerto Rico through 1984, and to develop a cost-benefit methodology to support policy decisions re:

Financial implications of the CDS program at the Federal level.

Assignment of system development priorities for cost/benefit maximization.

Financial implications of states assuming responsibility of CDS operating costs once the program is fully implemented.

This study will provide major input to LEAA decisions regarding future funding strategies for the CDS program.

The first Phase I report under the National Evaluation Program (NEP) was completed and widely disseminated in August 1975. This report is entitled Operation Identification Projects: Assessment of Effectiveness and was completed by the Institute for Public Program Analysis in St. Louis, Missouri.

The Evaluation Clearinghouse in the National Institute for Law Enforcement and Criminal Justice published in June 1975 an annotated Bibliography on Criminal Justice Evaluation. This document contains information on:

Evaluation-Methodology and Procedure;
Environment and Facility Evaluation;
Personnel and Performance Evaluation;
Equipment and Technology Evaluation;
Program Evaluation.

In addition many other evaluation products will be coming available within the very near future.

The National Level Evaluation of the Impact Cities Program continues as a major effort and is planned for completion by December 1975. Samples of evaluation designs used to assess particular projects supported by the Impact program have been compiled in a report and disseminated throughout the country. With separate components for police, courts, corrections, and target hardening techniques, the report illustrates numerous evaluation approaches which can aid planners and policy makers.

ENP Phase I assessments on a wide variety of topics will now be coming available on a continuing basis through July, 1976. These assessments include:

1. Youth Services Bureaus, by Boston University;
2. Traditional Preventative Patrol, by University City Science Center;
3. Team Policing, by National Sheriff's Association;

4. Crime Analysis, by Foundation for Research and Development in Law Enforcement and Criminal Justice;
5. Specialized Patrol Operations, by the Institute for Human Resources Research;
6. Early Warning Robbery Reduction Projects, by Mitre Corp.;
7. Juvenile Diversion, by University of Minnesota;
8. Prevention of Juvenile Delinquency, by Ohio State University;
9. Citizen Crime Reporting Programs, by Loyola University of Chicago;
10. Pretrial Release Programs, by National Center for State Courts;
11. Pretrial Screening Projects, by Bureau of Social Science Research;
12. Citizen Patrol, by the Rand Corporation;
13. Detention of Juveniles and Alternatives to Its Use, by University of Chicago;
14. Physical Security Surveys, by International Training, Research, and Evaluation Council.

The list above is by no means intended to be exhaustive. It highlights only those particularly significant evaluation products which have just recently become available or which should become available in the near future.

APPENDIX 3

LEAA RESOURCES COMMITTED TO EVALUATION (FISCAL YEAR 1976)

	Professional staff (full-time equivalent)	Funds
Total	22.9	$12,450,000+
A. OPM	1	
B. NILECJ		
1. Office of evaluation	10	4,550,000
Program evaluation	(5.75)	(2,800,000)
Capacity building	(1.75)	(250,000)
Evaluation research	(2.5)	(1,500,000)
2. National evaluation program	2.5	2,300,000
3. Office of technical transfer	2.5	
C. ONPP	1+	(1)
D. NCJISS	.6	200,000
1. Comprehensive data system cost benefit study	.2	100,000
2. Review and assessment of telecommunications planning	.1	
3. Evaluation of victimization survey and national crime panel	.1	
4. NCJISS Assessment: RTI	.2	100,000
E. OJJDP	2+	5,000,000
F. ORO		(1)
G. Regional offices	3	
H. OOS	0.3	400,000

[1] Funds for project evaluation are included in selected project grants.

Note: These NCJISS evaluation activities are not funded out of fiscal year 1976 funds but they are still ongoing and professional staff time is still allocated to them.

APPENDIX 4

LEAA PT. C BLOCK SUBGRANTS, EQUIPMENT PURCHASE OR LEASE, POLICE*

Fiscal year	Equipment	Pt. C funds awarded, Sept. 22, 1975	Percentage of total
1969	$9,265,796	$23,202,000	40
1970	64,239,930	176,230,000	36
1971	134,890,470	345,415,000	39
1972	92,172,627	397,384,445	23
1973	86,962,148	422,338,075	20
1974	65,250,524	380,669,358	17
1975	20,198,584	155,135,870	13
1976	70,833		
Grant total	473,050,912		

*Items retrieved—33,126. LEAA grant management information system.

LEAA PT. C NONBLOCK GRANTS, CONTRACTS, AND INTERAGENCY AGREEMENTS; EQUIPMENT PURCHASE OR LEASE, POLICE*

Fiscal year	Equipment	Funds awarded Sept. 22, 1975	Percentage of total
1968	$252,000	$734,055	32
1969	544,736	6,986,502	8
1970	7,096,841	40,293,725	18
1971	10,665,313	106,959,660	10
1972	11,122,850	158,288,950	7
1973	8,407,015	199,021,585	4
1974	2,325,761	190,966,747	1
1975	2,218,307	212,534,596	1
1976	159,116	19,617,087	1
Grant total	43,291,939		

*Items retrieved—1,047. LEAA grant management information system.

LEAA FUNDS FOR PURCHASING EQUIPMENT[1]

Fiscal year	Subgrant	Nonblock	Total
Communications equipment:			
1972	$44,939,956	$2,079,837	$47,019,793
1973	35,129,227	5,416,622	40,545,849
Total	80,069,183	7,496,459	87,565,642
Data processing equipment:			
1972	12,281,382	1,655,649	13,937,031
1973	11,700,749	1,307,297	13,008,046
Total	23,982,131	2,962,946	26,945,077
Vehicles or vehicle accessories:			
1972	9,077,174	2,939,045	12,016,219
1973	5,403,295	2,517,215	7,920,510
Total	14,480,469	5,456,260	19,936,729
Equipment other than the above:			
1972	56,388,644	21,157,163	77,545,807
1973	50,939,708	3,097,423	54,037,131
Total	107,328,352	24,254,586	131,582,938
Total:			
1972	122,687,156	27,831,694	150,518,850
1973	103,172,979	12,338,557	115,511,536
Total	225,860,135	40,170,251	266,030,386

[1] These are funds for the actual purchase of the equipment, not the grant award amounts from which the equipment was purchased.

As a point of reference, the table below indicates the funds available (allocation), awards in the GMIS data base, and the percentage the data base amount is of the funds available:

	Fiscal year 1972		Fiscal year 1973	
	Amount	Percent	Amount	Percent
Allocations	$622,900,000	95	$749,798,000	85.1
Awards in GMIS data base (May 31, 1975)	594,970,000		638,236,000	
Equipment purchases as percent of total in data base	150,518,850	25.3	115,511,536	18.1
	594,970,000		638,236,000	

TESTIMONY OF RICHARD W. VELDE, ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. VELDE. Thank you, Mr. Chairman. I have a rather lengthy prepared statement with four appendixes. I appreciate your courtesy in incorporating it into the record. With your permission, sir, I will highlight certain of the points contained in the statement.

My testimony is divided into three areas: First, a discussion of the Administration's bill, H.R. 9236; second, comments on certain issues which the Chair had indicated prior to the hearings were of central concern to the subcommittee; and, finally, a discussion of other pending bills which are being considered by the subcommittee.

With respect to the Administration's bill, H.R. 9236, there are five major provisions. The first has to do with the increased emphasis on courts programs. The Deputy Attorney General has already alluded to our interest in insuring that courts at the State and local level participate more effectively in our program. He has highlighted some of the steps that we are currently taking to try and increase their effectiveness. I will not repeat that statement.

Another provision reflects our continuing interest in assuring that the high-crime areas of the country participate most effectively in the LEAA program. As you know, Mr. Chairman, this committee amended our law in 1970 to insure that the comprehensive planning process adequately addressed the needs of the high-crime areas.

We have followed through on this priority emphasis with a number of programs, beginning with our big cities discretionary grant program in 1970—the pilot cities programs—and, most recently, the high impact anticrime program, a 3-year discretionary grant program involving $152 million of LEAA funds.

I have with me this morning the final evaluation report of that program. The report was prepared for us under contract by the Mitre Corp. I would be pleased to submit for the committee's records a summary of that evaluation report, as well as the contents of the complete report itself. It is a rather lengthy document. We are pleased to make it available to the committee for its perusal.

Mr. CONYERS. Thank you. Without objection it will be received into the record at this point.

[The above referred to document was submitted and is included in the subcommittee's files.]

Mr. VELDE. Our experience in these prior programs indicates that there is a need to be even more directly responsive to the needs of these jurisdictions. This proposal was referred to at some length by the President in his special message on crime last summer.

It is often very difficult to marshal resources—Federal, State, or local—to impact on the criminal justice system and affect the response of the community to deal with these chronic and severe problems. A solid foundation has been laid through prior efforts for a new initiative. That is why the Administration's proposal contains a major provision in this area. It would codify our authority to act and provide for a separate fund source to provide directly for these needs. The Agency would be able to deal directly with cities, counties, States, or combinations of these jurisdictions, to marshal specific strategies for dealing with long-term problems. Those jurisdictions which would be helped

are ones where so much of the Nation's reported crime has occurred in the prior years.

I would next like to comment on the Administration's proposal for a 5-year extension of the current authority. The type of programs ultimately funded by the States will, to a large extent, be determined by the length of the reauthorization of LEAA. One of the key features of our current effort is the comprehensive planning process through which each State reviews thoroughly its law enforcement and criminal justice programs and sets long-range needs and priorities for resource allocation. In many States, not just Federal funds, but State and resources as well are involved.

This planning, to be effective, must necessarily have long-range implications. A shorter authorization would be disruptive of this planning process and, as we have seen from experience, would allow States to give consideration only to short-term needs.

Short-term programs also encourage the purchase of equipment and use of training programs by localities, since there would be a tangible benefit. The results would last indefinitely, and there would be no requirement for follow-on support on the part of the Federal Government.

A short-term authorization has a chilling effect on the ability of State and local jurisdictions to raise matching funds, not only because of the time lag involved—the cycles when State legislatures and county boards meet for the purpose of handing out appropriations—but because there is the uncertainty as to whether or not substantial investments should be made over a long period of time when there is uncertainty as to the commitment of the Federal Government to see these programs through. As I indicated, the net result would be hardware purchase and other short-term activities.

The Deputy Attorney General has mentioned his interest in clarifying the oversight responsibilities of the Department of Justice and the relationship between the Attorney General and LEAA. My statement supports the provisions of the Administration's bill in that regard.

The Deputy has also mentioned the provisions with respect to juvenile delinquency prevention. I want to highlight here a feature of our current juvenile delinquency authority, passed by the Congress in 1974, which has caused us some significant administrative problems.

That 1974 legislation sets a funding minimum for maintenance of juvenile delinquency efforts in current LEAA programs. The minimum is based on the allocation of expenditures for the fiscal year 1972. In the past 2 fiscal years—and projected into the next fiscal year, if the Administration's budget request is acted on by Congress at the level proposed—the overall level of LEAA appropriations has declined.

Yet, we are faced with a fixed statutory funding base which we must maintain to support juvenile delinquency programs, even though overall support for other aspects of the program has been decreasing.

This means that the total share committed for juvenile delinquency is going up very dramatically. There is substantial evidence to indicate that it may be well out of proportion in relationship to other needs of the criminal justice system—such as high crime areas and courts—where we also have an interest in providing major initiatives.

We would, therefore, urge that the subcommittee take a look at these existing provisions. As you know, oversight jurisdiction regarding our juvenile delinquency authority is held by other subcommittees

of the House and Senate. We would urge careful coordination with those two subcommittees in reviewing these provisions. We are faced with a situation that poses enormous difficulties for us at the current time, and we urge your consideration of our proposed changes in that regard.

Moving to the issues before the subcommittee, I would first like to comment briefly on LEAA's evaluation efforts. Perhaps I may be somewhat biased because I have been involved so much in oversight of our evaluation efforts. I would say however, that there is probably no other Federal aid program in Government that has conducted such an intense and careful evaluation of its activities as has LEAA.

We now have over 100 major in-house evaluation efforts completed. I have already referred to one national evaluation effort—the $2½ million evaluation of our high impact program.

I also have with me this morning a compendium of 700 projects determined to be successful on the basis of recommendations by the State and local jurisdictions where these programs were funded and successfully completed, and an outside evaluation by an LEAA contractor which resulted in screening the first submissions.

This represents $210 million worth of LEAA funds translated into almost 700 projects that have proved to be successful.

Mr. CONYERS. May I examine that document?

Mr. VELDE. Yes, sir.

Mr. CONYERS. Thank you.

Mr. VELDE. I believe it has previously been submitted to staff, but we are pleased to make another copy available. This is an example—one of the 100 that I've mentioned—of these evaluation efforts that have been concluded.

[The above referred to material was submitted to the subcommittee and is included in its files.]

MR. VELDE. One of the difficulties with evaluation activities is making the results available to those who have responsibilities for decisions in order that the criminal justice systems of the several States can be improved and reformed.

In that regard, I would like to highlight the activities of the national criminal justice reference service, a function of the National Institute of Law Enforcement which is now in its fifth year.

The reference service has a current subscriber list of almost 40,000 individuals, officials, and agencies. It recently disseminated its one-millionth document to these subscribers. Included have been reports of evaluations, studies, bibliographical, and other research materials. A special emphasis is placed on dissemination of evaluation activities.

Even with this activity, we find that we are only now beginning really to get the word around. This is one of the more difficult problems that we face on a continuing basis—how to get word of the successes and the failures. Not only are we concerned with projects that have been funded by LEAA, but the experience of the States and localities in general in trying to reduce crime and improve their systems.

Evaluation is thus a continuing commitment and effort on our part. It is commanding an increasing share of our resources and we are doing our best to disseminate the results of these efforts.

I would emphasize, Mr. Chairman, that evaluation is not an easy task. Evaluation methodology is not a hard, scientific discipline. The state of the art is uncertain and fluid. We have on occasion been

exposed—if I may be somewhat blunt—to charlatans and promoters who talk well, but when it comes down to really making a hardnose evaluation effort, have a lot to learn. We have learned from this hard experience.

Some of our investments in evaluation, quite frankly, have not met our expectations. It is an imperfect science. We are learning. We have devoted a substantial amount of our resources to improving evaluation methodology. But much, much more remains to be learned before we feel that evaluation efforts can really meet our expectations.

Another major issue that is of concern to this subcommittee and that is LEAA's investment in hardware and equipment.

When the Agency was established in 1968, it was a time of major civil disorder and unrest—the Detroit riots of 1967, for example. There were other concerns across the country which prompted the Congress, in establishing LEAA, to give special priority to such problems. In fact, in our 1968 legislation there was a provision—section 307(b), a Senate floor amendment offered by Senator Hart—which set up a special one-time fund to provide Federal assistance for riot-control activities.

The Agency was created in June of 1968. Part of the money made available had to be expended by August 31 of 1968 to, in effect, provide a special fund to support State and local purchase of riot control equipment.

Mr. CONYERS. How much was it?

Mr. VELDE. It was approximately $12 million. This was out of a total action fund in that fiscal year of $25 million, so it was a very substantial allocation.

I have submitted as an appendix to my statement a table, by fiscal year, showing the percentage allocations in our action accounts for hardware. You can see that the total investment in hardware was skewed quite out of line as far as a balanced approach to the needs of criminal justice in that first fiscal year. About 85 percent of the total action funds that year went for police programs. A very large portion was in the riot control area—some for training, but primarily for equipment.

The only grant which LEAA has given—and we've carefully checked our grants management information system—for what might be called a tank was an armored personnel vehicle. It was a grant given to Baton Rouge, La. in fiscal year 1969—in the summer of 1968, before there were any LEAA administrators. This was a grant personally signed off by the then Attorney General, Mr. Clark.

There have been no other instances where LEAA funds have been used to support armored personnel vehicles or tanks. However, that one grant got a fair amount of publicity. It's an image which, frankly, LEAA has tried hard to live down ever since.

Mr. CONYERS. Did I hear you say that Ramsey Clark authorized that carrier?

Mr. VELDE. He personally signed off on that grant. Yes, sir. There were no LEAA administrators at the time. All early LEAA grants were signed by the Attorney General directly. We have had a long-standing policy that any such requests for military equipment shall not be funded by LEAA, but shall be channeled to National Guard Bureaus and the Department of Defense.

There is a program where this kind of equipment can be made available upon certification of need by local departments. LEAA, however, does not have any funds for such purposes. This equipment is made available to local departments through the Defense Department and through National Guard Bureaus of the several States.

Mr. CONYERS. Well, under that program is it the Defense Department that is to certify it?

Mr. VELDE. At one time, LEAA was requested to make a certification to the Department of Defense, but this practice was discontinued several years ago. To my knowledge, we have not made any such certifications for a number of years.

At one time there was authority for the Defense Department to coordinate with LEAA, but that has either been repealed or the practice is not being followed. We have received no requests for such certifications for some period of time.

I have also included as an attachment to my statement a breakout of the types of equipment that has been supported with LEAA funds. It can be seen that the lion's share has gone for communications equipment, primarily in the police area, but increasingly for the entire criminal justice community. The second largest category is for computer equipment that has been utilized by all criminal justice agencies in the process of building their information systems.

LEAA has a substantial investment in this area. We have learned from long experience that information—timely, complete, and accurate information—is the lifeblood of criminal justice. It cuts across the board from planning and resource allocation to the operational needs of criminal justice agencies.

That table represents a complete search of our grant files and is complete and accurate to the best of our ability. As you can see, the long-term trend in investment in hardware has been going substantially downward.

I would next like to briefly mention the law enforcement education program, an issue of concern to the Congress and to this subcommittee. LEEP has been one of our most popular programs—popular in terms of participation by police officers and by other members of the criminal justice community.

So far, 250,000 individuals have participated in the LEEP program—either 2-year, 4-year, or graduate degree objectives. Of this 250,000, about 200,000 were inservice personnel pursuing their studies on a part-time, off-duty basis.

So far, we have invested about $180 million in this program. We strongly feel that it has resulted in a substantial upgrade not only of the educational levels, but of the degrees of professionalism in the criminal justice community. Primarily police have benefited, but a large number of corrections officers have also participated.

Courts have not fully participated in LEEP because there has been a continuing policy that LEEP funds may not generally be used to support law school studies. Other court personnel are, however, eligible to participate in the LEEP program. It is also of note that there are far more lawyers graduating today than there are available positions. It thus appears no extraordinary steps need be taken to encourage additional legal training.

For the coming fiscal year, the administration has requested that the LEEP program not be funded. This is not because we are unconvinced

of the merits of the program, but because, at a time of administration requests to keep Federal spending down wherever possible, we had to make a hard choice in allocating priorities. Although we are convinced of the value of this program, some cuts had to be made, it was felt that this was an area of lower priority than other ongoing program efforts.

I intend to indicate to the subcommittee that this has been a popular decision. I'm sure the members of this subcommittee have been bombarded with mail, as we have, but it was an extremely difficult choice that had to be made. If cuts have to be made they have to come somewhere.

Mr. Chairman, I'd also like to briefly address the concern of the subcommittee, particularly the chairman, as to why, despite substantial investment of LEAA resources, the country is still faced with a long-term upward trend in reported serious crime.

There were great expectations when the Omnibus Crime Control and Safe Streets Act was passed that an infusion of Federal funds would somehow enable State and local governments to get a hold on this most difficult domestic problem facing our society, with resulting downward trends in the crime rate.

Looking at the experience of LEAA funds—particularly over the past 5 years—the conclusion arrived at is that there does not seem to be any direct correlation between the availability of funds and the upward or downward trends in the reported uniform crime figures.

I have, for submission to the subcommittee at this time, a chart which shows the crime trend fluctuations by quarter, from 1970 through the first two quarters of 1975, in the reported uniform crime figures. The trend by quarter has been both downward and upward on different occasions.

At the bottom of the chart, the available LEAA appropriations for those calendar years is indicated. We have transposed the totals to a calendar year basis. In 1972 for example, there was a very significant downward trend in reported crime. The total decrease for that year was 6 percent.

Beginning in the final quarter of 1973, however, there is a dramatic upturn. This continued virtually throughout all of calendar 1974 and into the first quarter of 1975. Beginning in the second quarter of 1975 and continuing through the fourth quarter of 1975, another downward trend in the reported crime is evident.

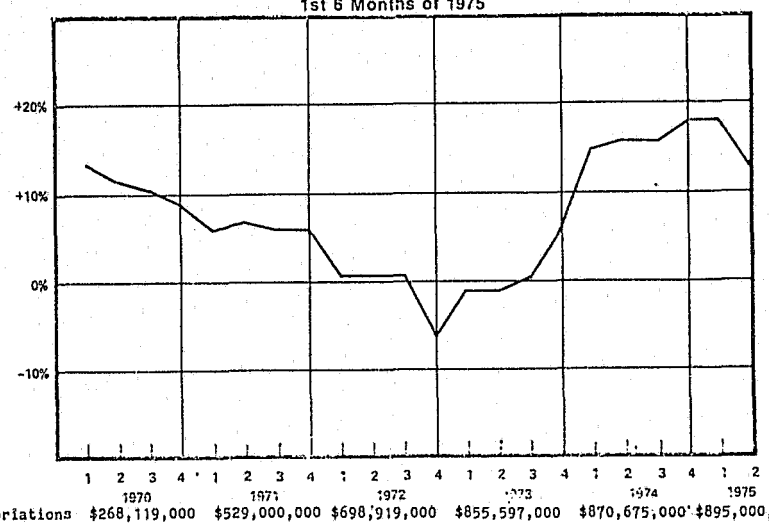
I would not be so rash as to suggest to this subcommittee that the LEAA program was a smashing success in 1972 or that, in the beginning of the fourth quarter of 1973, it was a terrible failure. Nor would I suggest that beginning in the second and third quarters of calendar 1975, we're back on a solid basis again.

What I am pointing out is that there does not appear to be any direct correlation between the availability of Federal funds and the cyclical fluctuations in reported crime. This is not to suggest, however, that hundreds of LEAA projects have not been able to directly reduce reported crime in jurisdictions across the country.

[The chart referred to follows:]

Percent Change in United States Index Crime Over Previous Year,

For 1st 3 Months, 1st 6 Months, 1st 9 Months, and Annual, 1970 Through 1st 6 Months of 1975



LEAA Appropriations	$268,119,000	$529,000,000	$698,919,000	$855,597,000	$870,675,000	$895,000,000

The compendium that has been submitted this morning describes projects that have been directly responsible in particular communities for crime reduction. One example is a statewide program in Minnesota called Crime Stop, which has been responsible for reducing burglary in the State 40 percent over 2 calendar years—a very substantial statewide reduction.

There are literally hundreds of other examples where specific reductions in reported crime have occurred. Across the board nationally, however, we have not been able to analytically determine a positive or a negative correlation between the availability of Federal funds and the fluctuations in reported crime.

As the Deputy Attorney General has previously pointed out, the primary reason is that the total amount of available LEAA resources represents only a small fraction of what State and local governments invest in their criminal justice systems. In the current fiscal year, it probably will total less than 5 percent. That percentage—as the total available LEAA funds go down—will be even smaller. It should also be pointed out that a substantial amount of State and local resources are invested in salary support. In fact, our studies show that about 85 percent of State and local funds go for this purpose. As you know, Mr. Chairman, there is a basic limitation in the LEAA legislation that, with certain exceptions, Federal funds may not be used for this purpose.

A high percentage of LEAA funds is used for reform, for demonstration, for improvement and experimentation, and for training. That is in keeping with the basic congressional intent in fashioning the LEAA enabling legislation.

I also comment in my statement, Mr. Chairman, on other pending bills. If I might summarize our position briefly, we prefer the administration's bill. Based on our experience in administration of the program, we have come before this subcommittee with a set of recommendations for strengthening and improving the legislation. I would respectfully suggest that this is the best course to pursue.

Mr. CONYERS. Thank you very much. Mr. McClory?

Mr. MCCLORY. Thank you very much, Mr. Chairman. And I'm sorry I wasn't here when the witnesses arrived, because I do want to extend a welcome to the Deputy Attorney General, with whom I've had the opportunity to work in a very important International Criminal Law Conference and the Administrator of the Law Enforcement Assistance Agency, a long-time friend. And I would like to say quite forthrightly that you both bring a very high degree of professionalism to your respective posts that you occupy. And I feel personally as a citizen, as a Member of the Congress, that we are fortunate indeed to have men of your quality, caliber, and experience administering the respective jobs that you do administer.

As the sponsor of the administration measure, I nevertheless want to take this opportunity to question you both with respect to various of the provisions because I have questions of my own with respect to them.

It seems to me—and I'd like to have this clarified—it seems to me that we're trying to move in two directions at the same time. You, Mr. Tyler, make a very strong statement, which I subscribe to, that we want to hold to the principles of the block grant concept, because this gives the maximum flexibility to the area—they know best what their needs are as far as law enforcement is concerned. And we want to respond to that through that block grant principle.

On the other hand, we're suggesting now that the courts require some special categorical participation in the block grant program and we are even suggesting that the civil side of the law, which I thought we were not including in the LEAA legislation, that we're going to include the civil side of the law as well. And it seems to me, as indicated by Mr. Velde in trying to explain that with regard to the Juvenile Justice Act we're spreading out our support so thinly, that we're going to end up by damaging or decreasing the support that we originally intended to provide for law enforcement and criminal justice.

Now, would you tell me how you can do both of these things at the same time?

Mr. TYLER. I think, as I understand you, that you are really raising two questions. First, the proposal in the bill which you sponsored is not categorical in the sense that we're urging that the Congress enact legislation saying, "You must in LEAA, devote so much money and so many specific programs to the courts."

Rather, what I think we're trying to urge, is some support for the view of many, many people in the criminal justice systems in the 50 States that, heretofore, perhaps not enough has been done, in either discretionary funding or block grant programs to support the courts and relieve their problems.

And, as I said earlier, accepting that this is true, it is also true, in my judgment at least, that everybody in the system—and I believe

everybody on this committee understands that if the courts are not functioning effectively, all of LEAA's best projects and research which go toward the police, for example, or the correctional people or the probationary people, really are sort of stopped in their tracks if the courts don't work.

Mr. McCLORY. There's no limitation on the right to apply funds for courts.

Mr. TYLER. Of course not. What we're really saying, I think, is that at this point in the history of LEAA, given the experience we've had since 1968 in this country, we're urging precatory language to signify, not only to LEAA and the Justice Department but to all of the constituencies of LEAA, that there ought to be primary attention to the courts and their problems, where they exist, without, on the other hand, imposing some kind of binding percentage or other restrictions of a specific nature which would then tend to undercut programs which continue to be useful for the police or the correctional people.

Mr. McCLORY. The measure introduced by the chairman of our committee, Mr. Rodino, would require a specific percentage. And in our bill, we're merely indicating a need for that, but not specifying a percentage. But isn't that nevertheless going to require, as far as the State planning agencies are concerned, to include that and to designate a percentage or a quota and it's going to decrease the balance of funds?

Mr. TYLER. I hope there are no quotas, as such. Certainly our proposal wouldn't——

Mr. McCLORY, Well, what happened when we added corrections? That became mandatory then; didn't it?

Mr. TYLER, Well, it didn't really become mandatory.

Mr. VELDE. No, sir. Unlike the juvenile delinquency authority, where there is a separate pot of money plus a statutory set-aside, under part E of our program there is a separate fund. The law provides that that fund shall not be less than 20 percent of the amount available in our regular action account, part C.

There is no statutory set-aside for corrections in the part C account. There was an expression of congressional interest at the time that there be a maintenance of effort, but there is no statutory provision for a fixed percentage of corrections in the regular action account.

Mr. McCLORY. You have posed, really, the very difficult dilemma we're in when you discussed the Juvenile Justice Act, for instance, when you say that if we fund that the way, apparently, another committee of the House would like to have it funded, we're going to decrease the funds that are available under the existing LEAA program.

Mr. VELDE. That's what is happening now.

Mr. McCLORY. Yes. And if we add courts now, as well as corrections, we're going to be adding or suggesting another category for expenditure and, at the same time, we're really reducing the funds. So we're cutting into really the heart, it seems to me, of what the intent of the whole LEAA program was and that was to—originally it came to reduce street crime and get at the crime in the streets. And your testimony about these impact areas and the special programs we've had in eight of our major cities, of which you've just now had the

analysis, indicates that the whole thrust of this program has been to get at that problem. And it seems to me we're diluting our attack through this proliferation of support that is wanting.

Mr. TYLER. Well, if I could go back to that, Congressman McClory, I don't think it quite comes down to that, as I see it. First of all, if you deal with the problems in the big cities, as I'm sure you're aware—certainly this is true in my own home city of New York—the police seem, with LEAA support to some extent, by the way, to have improved their procedures.

But it hasn't done any good in taking care of the street crime problem that concerns so many citizens of my home city because the courts have broken down and are unable to dispose of these cases. Now, I'm told—although I don't have the firsthand knowledge, of course—that this occurs with alarming consistency in a lot of other major cities in the United States.

Hence, the feeling is in this proposal we're discussing that, if we can make it clear that the Congress is aware of the reasonable priority shift in favor of the courts, it might solve the very kind of problem that the high impact cities program is designed to get at.

Surely we have to concede, I think, as you point out, that in a time of reduced budgets for LEAA this means there is a little bit of cutting, at the least, of programs for other elements of the system. But I don't think that that really means that it is wrong to have some priority for the courts, particularly since I'm almost certain—if you haven't already—you will hear from witnesses from the State court systems pointing out that, in their view, in recent years the planning commissions in their States have tended to ignore their problems. Perhaps, therefore, what we're trying to do here is, with the aid of Congress, point out to these States that we think that, as a matter of LEAA policy, there should not be any ignoring of the court's problems to the point where the rest of the system is inhibited in its efforts because the courts can't dispose of the business before them.

Mr. MCCLORY. Well, let me make this comment, We do have that authority now. The States are employing funds. You have made discretionary grants in substantial amounts in at least one State I know and it has shown substantial results. It can be done under the existing program and not amending the law, I would say.

But let me say further that I think that the court problem is not just a criminal court problem; it's a civil court problem; it's a comprehensive problem as far as courts are concerned.

Mr. VELDE. That's right.

Mr. MCCLORY. And what I'm concerned about is cutting the existing program which doles out Federal funds and they want to be mandated into the program or they want to be cut into the program in some kind of directory way which would, in my opinion, dilute the benefits that we're still trying to get out of the original LEAA program.

I think I'm going to run out of time and I'd like to make one more comment and that is this. I'd like to recommend very strongly to you that we do not dilute the National Institute, too, and convert it into a half criminal, half-civil law institution, because it's intended as the research and training arm of the Federal Government in the area of criminal law, and for research and training in the area of criminal law.

I know about this and I hope that we can retain that. And I'd also like to suggest that there's no reason, in my opinion, why it can't be the major evaluating agency for taking all of these projects and the ones that are so highly successful and being the agency through which we do disseminate knowledge of this.

I think we have to have regional seminars and get out and tell the people what works because this business of circulating 1 million documents that land on peoples' desks and they don't read isn't going to help the communities very much unless you get right out there and tell them face to face that: "This is a good program that would work in your community and it has been proven successful and the National Institute has evaluated it and found it to be that way. And this can help reduce crime in America—you'll apply this in the different localities of our country."

Mr. VELDE. Mr. McClory, if I may comment on your last point, we are well aware of your interest in the Institute. If any one Member of Congress should deserve the title of father of the National Institute, it's Mr. McClory, having sponsored the original amendment that established the Institute. We are deeply grateful for your continuing support and interest in the programs of the Institute.

The intention of the administration's bill in this regard is not to change the primary focus and emphasis of the Institute toward criminal law, but to recognize the reality that, in many cases where we support studies and conduct research in the court's field—particularly in the management area—it is impossible to distinguish between the criminal and the civil side of the courts.

There are court administrators who have responsibility for both sides. There are presiding judges who assign dockets and calendars for both sides. There are management information systems that serve both sides. Our concern is to not perpetuate an artificial distinction in terms of management perspective of the courts, but to be able to support projects that would improve court performance, efficiency, and effectiveness across the board.

We would certainly not want to change the primary emphasis of the Institute's program in the criminal area. With courts, however, we have a problem that we've faced before, resulting in some very artificial distinctions. That is why we are seeking this additional authority.

I would like to submit for the subcommittee's records an index of successful court-related projects that LEAA has supported in the past. I also have a tabulation of comprehensive State plan allocations for the broad category of adjudication. It includes prosecution, defense, and probation, as well as the narrowly defined term of "courts." This is compiled on a State-by-State basis for the fiscal years, 1974, 1975, and 1976, the current fiscal year.

It can be seen that in some States the court share is adequate, while in other States there is a lot of room for improvement.

[The material referred to follows:]

DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
March 3, 1976.

MEMORANDUM

Subject: Regional Office Survey of 1974–76 Block Funds Allocated to Adjudication.
To: Administrator.
From: Assistant Administrator, Office of Regional Operations.

Attached is a summary of the block grant adjudication allocation in each state. Parts I–III of the regional office submissions consist of a brief overview, the principal thrust of the adjudication activity and a summary. Part IV consists of the dollars allocated to adjudication and within adjudication the dollars allocated to courts; prosecution; defense; pretrial diversion (in courts); probation (in courts); and others. A chart for each state shows the percentage of Part C funds allocated to adjudication for FY 74–76.

The percent of the total block grant activities classified in survey as adjudication increased from 18.2% in 1974 to 18.3% in 1975 and to 21% in 1976 allocations. Fifteen jurisdictions increased the percentage allocated to adjudication every year. The percentage decreased in 24 jurisdictions from 1974 to 1975 but increased from 1974 to 1976. Fifteen jurisdictions decreased the percentage from 1974 to 1976.

Within the classification adjudication 12 jurisdictions allocated 0–4% of the block Part C funds to courts; 26 jurisdictions allocated 5–8%; 8 jurisdictions allocated 9–12%; and 7 jurisdictions allocated more than 13% to courts.

In 33 jurisdictions the program within adjudication which receive the largest allocation is courts; prosecution in 16 jurisdictions; probation in two; pretrial diversion and defense one jurisdiction each.

If a general picture could be drawn the typical jurisdiction slightly decreased the allocations to adjudication from 1974 to 1975 but significantly increased the allocations from 1975 to 1976 in spite of a reduced Part C block funds appropriation. The courts are allocated between 5–8% of the Part C block funds which is in general the largest single allocation in the adjudication area.

There is a general problem with the subjective nature of classification of block grant programs. The adjudication figures submitted by the regions are generally significantly higher than the amounts of FY 74 funds identified as adjudication, for example, in the LEAA Sixth Annual Report.

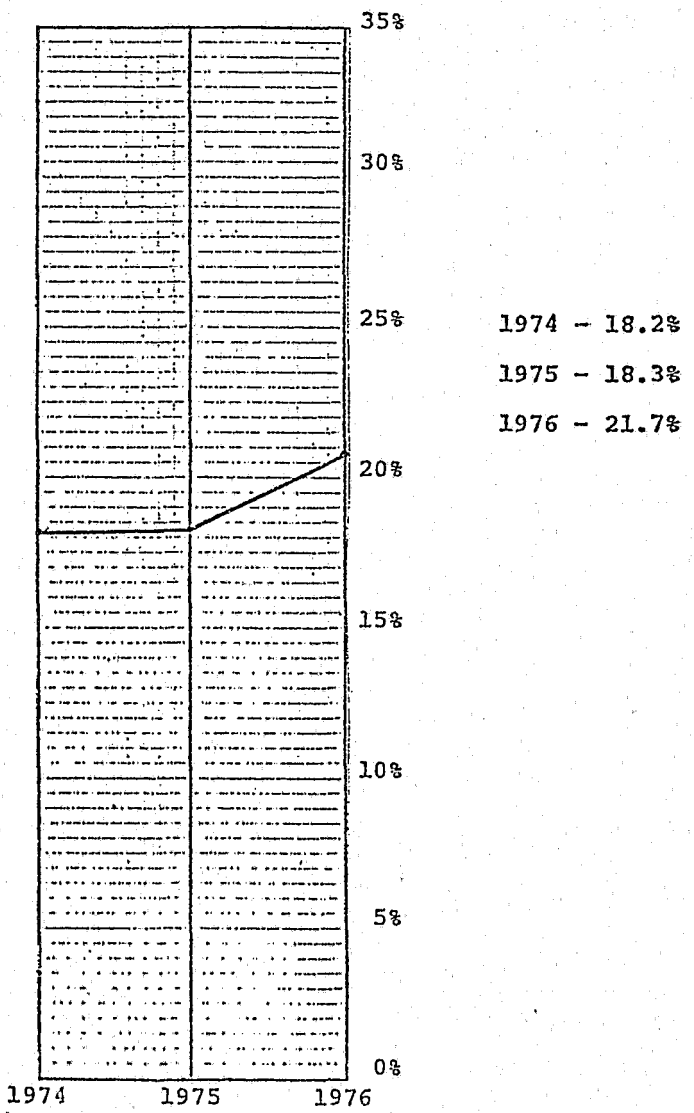
The current LEAA effort is to more accurately identify the LEAA court funding level. The next meeting of the LEAA Task Force on Court funding will be March 15, 1976. The report of that task force will be distributed when available.

Attachment.

J. ROBERT GRIMES,
Assistant Administrator,
Office of Regional Operations.

PERCENTAGE OF PART C FUNDS
ALLOCATED TO ADJUDICATION

TOTAL-ALL PART C FUNDS



Mr. VELDE. Overall, the current national average in this fiscal year for adjudication is 20 percent.

Mr. MCCLORY. Thank you, Mr. Chairman.

Mr. CONYERS. You're welcome. I note that my friend, Mr. McClory, has consumed roughly 15 minutes in asking questions and receiving answers.

Now, Mr. Attorney General, what do you conceive to be the role of the Department of Justice on the subject of crime in America?

Mr. TYLER. Well, I think the role of the Department is multifaceted. As you know, we have certain responsibilities in the Federal arena which are relatively limited, and properly so, in my judgment, by Federal criminal law. Beyond that, I think the Department has a leadership role through the Attorney General, meaning by that that the Attorney General, in particular, and the Department should offer leadership to the States and local governments in the law enforcement arena—for example, by such programs and research as would enable the criminal justice system as a whole, Federal and State, to move forward in a reasonably harmonious way.

I think, of course, also that in terms of our bureaus which are in the law enforcement investigating business the Department has a role of support to the police and other State and local criminal investigating units who have the major responsibility in the 50 States of the country. I think also we have a responsibility through our Bureau of Prisons to deal—not only, of course, directly, as you know—with correction and housing and so on of Federal prisoners, but to provide an example to the States and local governments of modern, humane methods of corrections.

Mr. CONYERS. Is there a written statement about those objectives in existence anywhere?

Mr. TYLER. I would surmise, Mr, Chairman, that there are a lot of written statements of varied kinds within the Department. There are, for example, statements about this in the U.S. Attorney's Manual; there are statements about this in the annual reports of the Attorneys General over the past years, and so on.

Mr. CONYERS. Well, you are aware that this subcommittee invited the Attorney General and he declined and graciously sent his Deputy Attorney General, so I'm asking you the questions that I would pose to him.

Now, is there anywhere or can there be made available to this Subcommittee on Crime a statement, summary, or otherwise, that defines the Attorney General's role with regard to crime in the United States?

Mr. TYLER. I'm certain that we can make available a variety of statements on this and, of course, as you know, there is the statute in title 28 which defines the duties of the Office of the Attorney General of the United States.

Mr. CONYERS. Well, I'm not interested in that. I'm interested in the programs and the policies and the objectives that are formulated by each Attorney General, probably with the administration, in spelling out how they discharge those duties elicited in title 28.

And that, sir, is what I'm directing your attention toward.

Mr. TYLER. As I say, there is voluminous material. I have no doubt about it.

Mr. CONYERS. Well, my question is: Can I get it?

Mr. TYLER. Anything we can put our hands on, we'll produce.

Mr. CONYERS. Well, you could probably put your hands on tons of material. Mr. Velde just said they mail out a million documents annually about LEAA.

Mr. TYLER. No, no. I'm not talking about LEAA documents, sir.

Mr. CONYERS. I'm sure the Attorney General could mail out 2 million, then.

Mr. TYLER. No, no, no. I'm sure he could, too, but what I'm trying to do is answer you.

Mr. CONYERS. Right.

Mr. TYLER. There are a number of ways in which the policy directions given Attorneys General are reflected. I assume you don't want all of them back to the beginning of time or, as you say, we'd have tonnage here and nothing else. But I am trying to respond affirmatively by saying that we certainly can get to you those that I think indicate the present Attorney General's focus.

[The material referred to will be submitted at a later date.]

Mr. MCCLORY. Would the Chairman yield?

Mr. CONYERS. Of course.

Mr. MCCLORY. I assume we're talking about street crime, We're not—were we talking about antitrust violations? Were we talking about security—violations that occur under the Securities and Exchange Act—or white collar crimes of various types?

Mr. CONYERS. Are you asking me or the Deputy Attorney General?

Mr. MCCLORY. Well, I'm asking you. I think we should be a little specific because otherwise, why, it can range far beyond what I understand to be our oversight function now with respect to LEAA.

Mr. CONYERS, Well, if the Deputy Attorney General has any problems with the question, it is comprehensive; it is not limited to street crime. Do you see street crime as being an isolated problem that the Attorney General must handle?

Mr. TYLER. I certainly do not, in the direct sense. Indirectly I think the Department plays a role, particularly through LEAA. But I didn't understand you were talking about this. I understand you to be asking whether we have anything in writing which sets forth in some sort of reasonably succinct fashion the present Department or the present Attorney General's role in criminal law enforcement in the United States. Is that a fair summary of what you're asking?

Mr. CONYERS, Well, it went a little beyond that, but I won't quarrel with it at this point. What I would like to see is a summary review of what the objectives are, what the policy considerations are, what programs the Attorney General and the Department of Justice have set forward as a method of combating crime in the United States.

And I would appreciate a subsequent communication and I——

Mr. TYLER. All right.

Mr. CONYERS [continuing]. Appreciate your cooperation.

Mr. TYLER, Well, then, as Congressman McClory suggests, we will cover a variety of subjects, such as those he ticked off and others.

Mr. CONYERS. Right.

Mr. TYLER. Very good.

Mr. CONYERS. Now, I must presume, then, that you're satisfied with the performance of LEAA as you come before this subcommittee urging its reauthorization for even a longer period of time and for even more money?

Mr. TYLER. Well, with the possibility of causing pain and suffering to Mr. Velde, I would have to say that I certainly don't think I or anyone else, including Mr, Velde, is totally satisfied with everything that LEAA is doing now or at any other moment. We can always do better. That's one reason why this subcommittee is properly concerned about LEAA, and we don't deny it. There are certain programs, as I've discussed with you privately, Mr. Chairman, which I do not think much of personally or in terms of their prospects.

I think some of the things we're doing in terms of efficiency are not as good as they can be, from what I see, and so on. But certainly I feel strongly that LEAA, though it has been going 8 years, which seems like a long time to some, really hasn't outlived its usefulness when you consider the pervasiveness of some of our criminal justice problems in this country. So we are, as you say, coming back and asking for an extension because we think LEAA can still do a good deal more to help the States and local governments, particularly in regard to criminal justice.

Mr. CONYERS. Would you specify your dissatisfactions with LEAA?

Mr. TYLER. Well, perhaps "dissatisfaction" is a fair enough word—perhaps I would use another one. But I would say, for example, that I would like to see an expanded role for the National Institute. That's one of the reasons why I personally think something like the Administration proposal is needed. I would like to see the National Institute regarded as a research arm and evaluation arm with some permanence. I'd like to see it closer to the Department of Justice because I think the Department of Justice could play, on a continuing basis, a very valuable public role in the United States, if it were the major repository of justice system research, whether it's with LEAA as a label and a banner or not.

Second of all, I would like to see Mr. Velde improve his efforts to evaluate projects both prospectively and retrospectively. I have no doubt that he joins in this with me, but he can speak for himself on that.

Third, I would like to see the administrative capacity of LEAA improved. We have not, in my judgment, finished doing as good a job there as we can. I might say incidentally, Mr. Chairman, that we have high hopes for improvement there in one simple, but important way. There is pending before the Senate now the nomination of Chief Justice McQuade, of Idaho, to be the second-ranking official in LEAA. We are hopeful that he will bring wisdom and administrative expertise, better than we perhaps have now, in LEAA.

We also hope that he will, as he will be obliged to do once he is confirmed, play a programmatic content role, which will be helpful to the agency, particularly in the area of court problems. And we have another nominee from California, Mr. Paul Wormeli, who, if and when he is confirmed, will have the third job in LEAA, which has a primary administrative function, as you know.

Mr. Velde and I are hopeful that these two gentlemen will help in the administrative areas where we think we need help.

Mr. CONYERS. I thank you for that response.

Mr. MCCLORY. What's the name of the second gentlemen you named from California?

Mr. TYLER. Paul Wormeli, sir, W-o-r-m-e-l-i. Have I got that correct?

Mr. VELDE. Yes, sir.

Mr. CONYERS. Deputy Attorney General Tyler, you are aware that whatever it is that disturbs you about the Government's inability to cope with crime is much more clearly reflected among the citizens in terms of their reservation about the Government's ability to cope with crime; are you not?

Mr. TYLER. Well, that's a hard one to answer, Mr. Chairman. I know that there is certainly a sense among a lot of people that we are not dealing adequately with crime. But I have strong reservations about the depth of concern and the precise knowledge of those who have or say they have this sense.

For example—I hope you'll forgive me for this thought, but I'm quite sincere in it—I have strong doubts, based upon my long professional involvement in the criminal justice system, that there is as much commitment, as there is stated to be by vast segments of our society, to do a better job of controlling crime than we are doing.

I am quite sincere about that and I base that on my experiences as a prosecutor and a judge. I really do not remain convinced that all elements of our society are as concerned about eradicating crime or controlling it better as they allege.

Second of all, I am not sure that many people in the system itself have been, until recent years, terribly concerned about controlling certain forms of crime. As an illustration, I will say to you, sir, that I am Chairman of a White Collar Crime Committee in the Department of Justice. I have gone around the country and spoken. The depredations of white collar crime in this country, just in the material sense, are frightening. The chamber of commerce says that last year, as a very minimum, just in cost, it came to $40 billion. And yet my frank opinion, as I go around the country and talk to lawyers and businessmen and other leaders, is that they really don't see white-collar crime as very serious at all.

They think that that's something special we ought not to worry about. I'm not at all convinced that people, despite all of the rhetoric of the Watergate and post-Watergate period—I'm not at all convinced that people see that, despite the successes we've had in getting into the Watergate problem and eradicating it, there are other Watergates.

So I am frank to say, Mr. Chairman, that it's not entirely clear to me that formal governmental efforts are all that it's going to take to reduce crime in this country.

Mr. CONYERS. Well, those governmental efforts don't appear to be working very well, even if you are correct in saying that there are certain reservations about the concern.

Mr. TYLER. I can't deny that.

Mr. CONYERS. All right. We have a point of agreement.

Now, let's move to LEAA. What do you construe the mandate of LEAA to be?

Mr. TYLER. Well, I think I've already summarized it, both in my written testimony and also in my somewhat synoptic remarks, but I'll repeat it. As I think the 1968 legislation made clear, it is the mandate of LEAA to support the States and local governments with research and money to help them better all aspects of the criminal justice system.

Mr. CONYERS. And you say that you have some reservations about the effectiveness of that program or were you referring to the subject of how the Federal Government addresses crime in your earlier comment?

Mr. TYLER. In my earlier comment, I thought you and I were both referring to not only the Federal, but the State and local governmental efforts addressed to crime in their respective jurisdictions. I was not singling out LEAA.

Mr. CONYERS. All right. At this point, let's single out LEAA.

Mr. TYLER. Yes, sir.

Mr. CONYERS. How do you rate it in terms of its objectives?

Mr. TYLER. I think that in the last 8 years LEAA has, if one is to measure it in terms of reduction of crime statistics, certainly not reduced crime in the direct sense. But as I've told you in informal conversations, and I repeat it formally here, I do not think personally that LEAA was intended by Congress or anyone else to be measured in quite that way.

Obviously, the Congress and others quite rightfully hoped that over a period of time LEAA projects and research would be helpful in that direction. In some particular jurisdictions, as Administrator Velde has pointed out, there is evidence that some programs of LEAA, some research projects, have had just that result.

But I think, again, that LEAA probably should be measured in other, more important, ways. For example, I think LEAA should be measured in terms of assisting in producing efficiencies in police procedures, correctional procedures, and court procedures. I would have to say, to my limited knowledge, over these 8 years they've had mixed results there.

I think also that LEAA, however, should be afforded the latitude—and I believe most sincerely that most people thought at the beginning that this was one of the purposes of LEAA—to take what I'll call a couple of fliers, that is, go into some research projects with the full expectation, on the part not only of LEAA, but of all of its constituents, that some of these projects may turn out to be dry holes that is, not productive in any sense.

I would urge this committee most respectfully to continue to accept that idea, perhaps now more than ever. Now, this doesn't mean that I'm suggesting or arguing to you, Mr. Chairman or the subcommittee, that LEAA should not be evaluated by Congress, by the Justice Department and others, and its projects be continually looked at as a whole and specifically.

But I do think that the point I'm trying to make simply is that it would be wrong and against sound public policy to charge LEAA with making a ghastly mistake if, once in a while, one of its projects or one of its research efforts didn't turn out successfully. I think LEAA should be encouraged to live with a little bit of imagination, "even if it bombs"—to quote my children. One other point, sir, in answer to your question as I understand it: I think LEAA also should be measured—and I think that Congress, when it originally promulgated the statute, intended it to be so measured—in terms of giving monetary and leadership support to force the State and local components of the criminal justice systems to take a hard look at themselves and find out whether all they're doing in the traditional way is really very fair and in keeping with our notions of due process, and very efficient.

Again, I would have to say, from what I know about it, that if that is the correct way to assess one of LEAA's purposes and functions, probably it's true—the results have been mixed.

Mr. CONYERS. Well, why is it that we have this failure? What is the nature of the problem, sir, that the Department of Justice, as well as LEAA specifically, and this Government generally, is unable to grapple effectively with the nature of crime as it is manifested in the United States?

Mr. TYLER. Well, I don't think we should be unkind or unfair to ourselves, Mr. Chairman. Since even before the first great Italian criminologists of the 18-century, Western civilization has been grappling with crime.

You yourself know, as every member of the subcommittee knows—and we certainly know—that if you will analyze criminal statistics abroad, you will see mirrored very precisely just the rising crime rates that we see here in our country.

Now, surely these statistics one always has to question—whether they are here or abroad—in detail. But we know the same problems are going on in every country that we consider part of Western civilization. We know that criminologists and lawyers and penologists have been grappling with these problems with no conspicuous statistical success to put it kindly, for centuries.

Some years ago I remember teaching in Cambridge at the Criminological Institute there under the leadership of Sir Leon Radzinowicz, who is one of the foremost criminologists in the Western World. As he put it, in answer to your question, we may now be reduced to what he called "the pragmatic position," that is, to do the best we can, to give up on some of our dearly held theories over the years and try to commit governmental resources in such a way that we will minimize the impact of crime. But don't expect to eradicate it, particularly in countries like ours, where we continue to maintain, fortunately, that due process of law is still paramount, in our view.

What I'm trying to say, in a word, Mr. Chairman, is I don't think LEAA can fairly be judged if we say to them, "Look, fellows, you haven't done what people going back centuries in other countries, which are at least as sophisticated as we are, haven't done either."

On the other side, let me say that LEAA, even with its failures from time to time, has had the success of demonstrating, particularly to those of us who are in the criminal justice system, that there are a lot of things that we thought we were doing right and we probably are not doing right.

Now, it takes time to correct those things. It takes time because the professionals don't always do a good job of demonstrating to their constituencies, including their legislatures which have to act, that this is the right thing to do. And that is why—you'll remember that you've heard me and others say that, although LEAA seems to have been going a long time, its tenure has to be measured in terms of how long it takes programs, when they seem to be good, to be put into effect by the States. Eight years really isn't very long.

This is another reason which I'd like to add to the reasons of Mr. Velde—when this subcommittee considers the question of time of extension. I earnestly and respectfully urge you to keep this in

mind. Now your judgment, I'm sure, will be good and it has to be based on other factors. But I earnestly commend to you this thought: That 8 years grappling with the problems that centuries of work by criminologists and others haven't solved isn't really a very long time span.

Mr. McCLORY. Will the chairman yield to this comment?

Mr. CONYERS. Of course.

Mr. McCLORY. When I spoke earlier about having worked with the Deputy Attorney General, it was in connection with an International Conference on Crime Prevention which was sponsored by the United Nations. And I had the privilege, along with our colleague, Congressman Bill Hungate, as representatives of this committee to attend that conference. And, of course, while we participated there, there were participants from more than 100 different countries and there is a problem of crime—not in exactly the same form—but a problem of crime throughout the world, which we're trying to deal with. And this is not something that's unique or special to our country or to any particular areas of our country.

Mr. CONYERS. Well, I'm troubled, sir. If you insist to me that centuries worth of unsuccess should not allow me to be concerned about 8 years worth of success——

Mr. TYLER. Oh, absolutely not, Mr. Chairman.

Mr. CONYERS [continuing]. Then I would submit that——

Mr. TYLER. That's not my point.

Mr. CONYERS [continuing]. We could figure out a different way to work with the Justice Department without LEAA entirely.

Mr. TYLER. No, sir. No, no. You misunderstand me. I think you are absolutely entitled to be concerned about LEAA. That wasn't my point at all. All I was trying to demonstrate is that it would be wrong, in my judgment, to evaluate LEAA as being the only agency capable of actually really reducing crime and so on.

But to say to you what you just said is not my intention at all—absolutely not. You should have every interest, as you do, in being concerned about what LEAA is up to now and at any other time. It's too important an agency for this subcommittee not to be concerned. And Heaven knows, I'm sure Mr. Velde will agree with me that, if he and everybody else in LEAA thought they knew all of the answers, then I would be very surprised and I think Mr. Velde would be, too.

Mr. CONYERS. Well, I only have a couple of questions for Mr. Velde and I want to yield to my other colleagues. But——

Mr. TYLER. Mr. Chairman, would you forgive me? I am unfortunately late for a meeting. Would you care to have me stay or would you permit me to leave, sir?

Mr. CONYERS. Well, I would permit you to leave, but there are two members of this subcommittee that have not had an opportunity to address you and perhaps I should yield to them now for that purpose. Mr. Mann?

Mr. MANN. Well, I have two or three brief questions and they can be handled by Mr. Velde. We thank you, Mr. Tyler.

Mr. CONYERS. Mr. Ashbrook?

Mr. ASHBROOK. I can do the same thing. This speaks well for adhering to the 5-minute rule.

Mr. CONYERS. Well, the gentleman wasn't here when we started out, but our colleague from Illinois took 15 minutes.

Mr. ASHBROOK. And you took 30, but I don't object.

Mr. CONYERS. That's true, and you can take 45. Well, sir, on that note among the subcommittee members, we will excuse you and thank you for coming.

Mr. TYLER. Thank you very much, Mr. Chairman.

Mr. CONYERS. Mr. Velde, there have been several problems that have troubled me about LEAA long before I came to this subcommittee. One is the failure of the research arm. There is no evidence to me that justifies its existence, that it has been criticized very severely each time that it comes before the Congress for renewal. I will very shortly summarize some of those criticisms for you.

I have long wondered why and how LEAA expects to operate without involving citizens at a community level. As a matter of fact, the Office of National Priority Programs, which you discuss in your appendix, is being phased out. This attacks the notion that the Government and the law enforcement system itself can reduce crime.

Then, of course, there's the matter of the section 518 added to LEAA legislation that deals with the question of equal opportunity advancement, added in 1973. There were many other mandates on that subject running to LEAA before that, which were ignored, if I construe correctly the letters that were sent back and forward.

I know it appears to be a very unsuccessful part of your program, but to what degree, I cannot measure. So in addition to the fundamental questions I've raised with Deputy Attorney General Tyler, I'd like to raise those specific considerations with you.

Mr. VELDE. All right, sir. As I understand it, there are four main thrusts to your remarks. First, what is the role of LEAA or, for that matter, the Federal Government in this most important aspect of our society? Under our constitutional system, if the 10th amendment means anything at all, it means that the police power is basically reserved to the States and that the Federal role in crime control is a limited one.

Federal criminal jurisdiction itself is restricted. The Federal system is a limited crime control system. Only about 10 percent of the criminal cases in this country consist of violations of Federal criminal codes. Only about 5 percent of incarcerated offenders are Federal offenders.

The Federal court system is roughly equivalent, in terms of volume of business, to the criminal courts of Los Angeles, or a medium-sized State. Violations of crime in this country are primarily violations of State criminal codes.

Congress has defined a limited role for LEAA itself, from the preamble throughout every provision of the Agency's enabling legislation, since 1968. There has been a narrow Federal and LEAA role indicated—a role of financial and technical assistance, of research and development, and of experimentation.

LEAA is not an operational agency. No one has seriously suggested, that I know of, that there be a federalization of the crime-control responsibilities of the State and local governments.

Mr. CONYERS. Well, then, why do you raise it?

Mr. VELDE. Because I'm first of all stating what our role is, and what it is not. We are a Federal aid program. We do not have operational law enforcement responsibilities for crime control in any State in this country. It has not been suggested that the FBI or another Federal enforcement agency be given these broad responsibilities.

The cities of Atlanta, Detroit, New York, and others in the several States have primary enforcement responsibility. They have primary responsibility for operation of our justice systems—police, courts, and corrections.

Mr. CONYERS. Do you remember the Houston plan?

Mr. VELDE. Yes, sir.

Mr. CONYERS. Well, that certainly suggested something different than you propose here. It suggested specifically that the FBI operate illegally against certain citizens in violation of existing Federal law and State law and their own mandate and the 10th amendment to the Constitution. Now do you recall the Houston plan?

Mr. VELDE. Yes, sir.

Mr. CONYERS. It was in effect; was it not?

Mr. VELDE. That's exactly my point. There is a great concern that the Federal role for crime control not be expanded, though there have been abuses, even under the limited authority and responsibility now held. I don't know of any serious commentator that suggested that we go the way of, for example, the Philippines, that simply imposed martial law and a curfew on all of the streets. This proved to be effective——

Mr. CONYERS. Well, I just suggested a plan to you that emanated from the White House itself. Why do you keep saying you don't know of any plan that's ever been suggested? This committee, in its entirety, examined this a countless number of times.

Mr. MCCLORY. Mr. Chairman, would you yield?

Mr. CONYERS. Certainly.

Mr. MCCLORY. I really can't see the relevancy in this LEAA oversight function and this function of reauthorizing authority of the LEAA to get into a completely irrelevant subject which LEAA had no contact with at all, I'm sure, and would only be aware of it to the same extent that you and I might know—and probably know less about it because you and I considered this subject when we served on the Judiciary Committee last year in connection with the impeachment inquiry.

Mr. CONYERS. Well, then, let's move on. I didn't raise this specifically. I just tried to point out that the witness keeps saying he has never heard of such a plan and I wanted to bring one to his attention.

Mr. VELDE. My point is, Mr. Chairman, that the Federal role in crime control under our constitutional system is a limited one. There is no proposal in the administration's bill that that role in crime control be expanded or that we assume responsibility for patrolling our streets.

I know of no suggestion or indication of interest on the part of the administration along those lines whatsoever. LEAA's role is one of limited Federal assistance: Finances, technical assistance, research, and so on.

That leads me into your second point. The act talks repeatedly in terms of assisting the States and local governments to improve their criminal justice systems. Now, "improve" for the purpose of reducing crime, should include a full understanding that there are many factors which bear on whether or not crime goes up or down other than the ability of the criminal justice system to deal with it.

In fact, some of the activities of the criminal justice system very often result in more crime either being reported or committed. While

certainly there should be no suggestion that the constitutional rights of accused persons be abrogated in any way, very often individuals charged with crimes are free. While they're free they are committing additional crimes. Thus, in some cases, our policies do result in more crime.

One of our important continuing roles is in the research area. I would respectfully disagree with the contention that our research program has been a failure. On the contrary, when you look over our portfolio of 600 active research projects, several observations can be made.

First of all, the Federal Government's investment in criminal justice research is miniscule in comparison with its investments in other kinds of research—whether it be defense, space, environment, or health. That limits our horizons. We cannot afford to engage in what might be called "basic research." That is left to others in the Federal area, in the university and academic community, and in the private sector.

Our projects are basically in the applied research area. For example, we have supported a body armor project, where technology and new materials developed for other purposes have been applied in the criminal justice setting.

We have studied projects that have made a very substantial impact in the dimensions and activities of our criminal justice system. Diversion of certain categories of offenders and certain kinds of offenses from the criminal justice system is one example. Alcoholism and drug addiction are areas where LEAA's research arm pioneered as early as the mid-1960's. I would thus submit that there are a number of projects conducted by our research arm that have proved to be successful and have made a very significant impact.

Mr. McCLORY. Would the gentleman yield?

Mr. VELDE. Yes, sir.

Mr. McCLORY. Just a bit of elaboration. And that is that the body armor project was funded through the National Institute; was it not? And it has already proved successful to the extent of saving policemen's lives by the use of it.

Mr. VELDE. Yes, sir. Since the first of the year, five lives have been saved.

Mr. ASHBROOK. Could I ask a question? Was nothing done on body armor before this program?

Mr. VELDE. For many years, the military has had body armor programs of one kind or another. This particular program was conducted to see if a new type of material developed by a commercial concern to replace steel in steel-belted radial tires, could be applied for this purpose.

Whereas the conventional military garment was too heavy and too uncomfortable for sustained police wear, and therefore, was not being utilized—although many departments did have it for specialized purposes—these were garments that were designed to be worn around the clock and in all climatic conditions by police officers.

The testing that we are engaged in places these garments in a variety of police departments around the country to test for wearability, for comfort, and convenience, as well as for simple protection.

The garments typically weigh 2½ to 3 pounds, as opposed to the conventional armor, which can weigh 10 to 15 pounds and which is very cumbersome. That was the purpose of the effort.

Mr. ASHBROOK. I guess I really don't know whether that's an answer to my question.

Mr. VELDE. There have been other research developments in body armor. The military has sponsored many of them. This was an effort designed to apply it particularly to police needs.

Mr. ASHBROOK. Which you think would not have been done otherwise?

Mr. VELDE. That's correct. Local departments themselves do not have the resources to engage in this kind of activity. That was an example in the hardware area. I have also mentioned what might be called the soft side of our research program—efforts in treatment of addicts and alcoholics. There are many others, from juvenile delinquency prevention to community-based corrections. Family crisis intervention has been one of the more successful research activities, now being widely replicated in police departments throughout the country.

The most dangerous, as far as death or personal injury, is the situation that a police officer encounters responding to a call involving a family dispute. Often that ends up in serious injury or death, many times to the police officer.

Seventy out of the 110 police deaths last year occurred in that type of setting. There have been successful crisis intervention techniques developed through research by the Institute. These have been widely picked up around the country. So, Mr. Chairman, with all due respect, I would submit and assert that many of the Institute's programs have proved to be successful and they would not have occurred without the Federal resources, even as limited as they are in relationship to other federally-sponsored research activity.

With respect to your comments on citizens and citizen participation: This is an area that LEAA has been concerned with since its inception. In the early days of the program there were literally hundreds of the so-called police-community relations types of programs funded, not only through police organizations, but through community organizations as well. I'd be pleased to submit for the record a summary of the nature and extent of those programs. If you look over the investment that LEAA has made in this area, not only through block grants but discretionary grants, I believe you'll be impressed with the scope, magnitude, and actual dollar amounts involved.

It has been a substantial program.

Mr. CONYERS. Well, what are the dollar amounts involved? What is the scope?

Mr. VELDE. I don't have the tabulation with me, but it is several hundred million dollars. We will give you an accurate tabulation.

Mr. CONYERS. Thank you.

[The material referred to was submitted at a later date.]

Mr. VELDE. For the past 4 years we have commissioned one of the largest survey efforts of any kind in Government to attempt to measure the amount of crime actually occurring, as opposed to that reported to the police, and to measure citizens' attitudes about criminal justice—our National Crime Panel.

It altogether costs about $12 million a year. As one part of the effort, each 6 months the Census Bureau is going into 60,000 households and 15,000 businesses, attempting to measure victimization and determine community and citizen attitudes about criminal justice. Separate surveys have also been conducted in 26 large cities throughout the country.

Mr. CONYERS. Don't we know already?

Mr. VELDE. Until that survey was initiated, no, sir. We did not know. There was no prior systematic effort of this type. This is one of the largest single surveys of public attitudes, of citizen concern or interest or a lack of interest about criminal justice of governmental activity of any kind. It is far larger, for example, than surveys of unemployment or the cost of living or agricultural productivity—a very major undertaking.

Mr. CONYERS. I can tell you that every Member of Congress can tell you what the attitudes are in his district. That would be 435 people. If you want to throw in a couple of territories, you could get those views, too. We could tell you very quickly what the attitudes are. The First District—I could speak even beyond, if I might be so bold, the district lines of the First District. I think everybody knows there's great citizen reservation about the Government's ability to deal with crime.

If you want to measure how deep it is, or how wide, or which crimes, I suppose that that would be very interesting.

Mr. VELDE. Mr. Chairman, we are finding out the answers to such questions as why it is that one out of two serious crimes that have occurred are not reported to the police.

Why it is that the community does not? Why it is——

Mr. CONYERS. I'm glad you raised that question. I'll tell you why: Because citizens don't want to get hassled with the ridiculous red tape that the police and the courts put them through, that's why.

Mr. VELDE. The survey shows they don't want to be bothered. I think that would be a more charitable way of expressing your statement; but that is a major reason.

Mr. CONYERS. Of course.

Mr. VELDE. Also there is a strong feeling on the part of the community that it's just too much trouble.

Mr. CONYERS. Right.

Mr. VELDE. It would take too much time away from their jobs. They just write off the cost.

We're also finding, for example, that a very high percentage of those who have reported to the police never show up to prosecute their crime at trial.

Mr. CONYERS. Have you ever been in a criminal court in any major city in the United States Monday through Friday? You've got to be a superpatriot to even come near that place, unless you're a defense lawyer or a prosecuting attorney.

Have you been to the recorders court in Detroit?

Mr. VELDE. Yes, sir, I have.

Mr. CONYERS. Have you been to the criminal courts in New York City?

Mr. VELDE. Yes, sir.

Mr. CONYERS. Have you been to the ones in the Capital of the Nation?

Mr. VELDE. Yes, sir.

Mr. CONYERS. Well, then, you know the answer.

Mr. VELDE. Yes. I——

Mr. MCCLORY. Will the Chairman yield to an observation I have?

Mr. CONYERS. Of course.

Mr. MCCLORY. I think that what we're pointing to is that the local areas—the States and the local areas—have not measured up to what their obligation of local self-government and local self-responsibility is. And I think that this survey is going to be revealing in that it shows a lack of interest on the part of the individual citizen for personal involvement.

And I don't think you could allocate $10 billion to LEAA and if the citizen doesn't interest himself enough to look after his own neighborhood and to put a lock on his door or to report a crime or to show up in court or do something about the local court system without coming to Washington, D.C., we're not going to get at the root of the problem.

And I think that's the answer that's going to be developed from the survey, which is something basically we have to have. And I think Mr. Tyler bore out the same thing—that until you have sufficient citizen concern in determination to do something about this, 535 Members of the Congress of the United States are not going to provide all of the answers for them of incidents that occur in their neighborhoods and in their block and in their local courts and that sort of thing.

Mr. VELDE. My point is that we have a number of programs designed, to find out what the citizens' attitudes are and what their experience with criminal justice is. This has resulted in our building a number of programs to deal with some of these identified problems. One area I mentioned was police-community relations. There have been a number of others as well.

You referred, Mr. Chairman, to the recent reorganization of LEAA and the abolition of the Office of Nationl Priority Programs. It is true that this office was abolished, but the programs incorporated into that organizational entity have not been abolished.

They are continuing on. One of them, our career criminals program, has recently been substantially expanded with six additional cities being added to that particular effort.

We are concerned about community involvement. In fact, just yesterday we signed a grant of almost $1 million for a first-time-ever joint effort between the AFL-CIO, the National Council on Crime and Delinquency, and the U.S. Chamber of Commerce to marshal citizens' groups and labor organizations all over the country in getting citizens involved in crime control programs.

This is an effort that we have been working on and encouraging for a number of years which has finally come to fruition. We are quite excited about the prospects of this program in building community interest and support for reform and improvement of criminal justice.

Mr. CONYERS. Then you're not aware of the feeling of literally thousands of community organizations that they can't begin to get in the door with all of the incredible redtape. Have you ever put yourself in the position of John Doe living in any neighborhood in America who decides that they might want a couple of walkie-talkies to help support the police effort on street crime in their neighborhood? Do you know what it mear s for that little group of neighbors—what they will have to go through to ultimately get a "no" from LEAA?

Sir, I want to show you the correspondence that we have. They say that, "There's no way that we can do it, Congressman. They keep turning us down at every level. Then we go get a lawyer to help apply. They turn him down; they've got more lawyers than we've got." Then the lawyer gives up and then they go back. Then they go to the Congress. Then they try to get the police to help them. The overwhelming majority of them end up giving up.

Now, that's an experience that you must become aware of before you tell me how great the community relations program is in LEAA. I have an opposite conclusion based on those observations.

Mr. VELDE. With respect to redtape, may I say that the LEAA program has some rather unique requirements in that regard. There is a 90-day turnaround time for applications received by LEAA directly, as well as for applications the State planning agencies receive from units of local government.

I'm sure you're familiar with the record of some other Federal aid programs in this regard. In many cases, there are delays of months and years before applications are acted on. We are trying our best to cut down on redtape and to streamline our procedures, and cut down on the volume of guidelines. Yet, there are statutory responsibilities to which we must adhere—for example, audit. We have a clear mandate from the Congress to make sure that our funds are——

Mr. CONYERS. Of course you have. After those millions of dollars went through our hands in the early years, of course, we want audit. But a neighborhood group getting a couple of walkie-talkies, that's not going to complicate anything.

Mr. VELDE. The point is, sir, that our audit requirements very often are construed as redtape by people who receive our funds. They may resent having to keep detailed time and attendance records on all employees. However, audit standards require such records.

Mr. CONYERS. I've consulted with our subcommittee members and they're prepared to come back at 2:30. Can you?

Mr. VELDE. I'd be pleased to, sir.

Mr. CONYERS. The subcommittee stands in recess until 2:30.

[Whereupon, at 12:15 p.m., the subcommittee recessed, to reconvene at 2:30 p.m. this same day.]

AFTERNOON SESSION

Mr. CONYERS. The subcommittee will come to order. We welcome back and express our appreciation to Mr. Velde for rejoining us and we will continue on my last question, which you began one-half hour before we ended.

Mr. VELDE. Mr. Chairman, it seems like I spoke for some time in response to you. There may be points I did not cover. If so, I'd appreciate having my memory refreshed. I hopefully touched on the areas of your concern, but if there were some that were not addressed, I'd be glad to do so now.

Mr. CONYERS. Thank you. We'll return to them.

I yield now to the gentleman from Ohio, Mr. Ashbrook.

Mr. ASHBROOK. Thank you, Mr. Chairman, I listened with interest to not only the testimony today, but the testimony over the past few weeks. I don't know. I'd have to say up until today, we need a little more specificity. I've been singly unimpressed with most of the testimony up until now.

It just reminds you of the repetitious statement of "more money" and "just getting started." I think that's about what everybody said. I guess some of my views must be formalized, having been on several oversight committees. I was on the Education and Labor Oversight Committee, the war on poverty.

It's amazing how almost everything said sounds just like what was said there. And I guess I come away with a certain feeling—and maybe I'm incorrect—but like the war on poverty, a great amount of money goes to poverty lawyers and doesn't really get to the poor. And I think that I end up with a feeling here that a great amount of money goes into projects, programs, paperwork, meetings, studies, but doesn't really end up doing that much as far as the actual crime problem is concerned.

You come from Illinois, from a small town, I guess. I come from Ohio and a small town. And I can't help but think of one of my experiences in early years as a member of a volunteer fire department. One of our oldline firemen thought the way to draw out the fire was to raise the level of the water above the fire. If you just poured enough water in the building, sooner or later that would put out the fire.

And I think sometimes that's not unlike our policy here in Washington—is we just do enough, have enough projects, enough money spent, and we're going to smother whatever the problem is, be it in poverty or crime. And I can't help but come away with a little bit of that attitude, having listened to testimony in the past 2 weeks.

And getting back to specifics. I mean, what honestly do you think specifically has been done aside from all of these ideas of research, et cetera? What specifically has been done on the war on crime that you can point to with some degree of specificity?

Mr. VELDE. Mr. Ashbrook, LEAA funding, including the appropriation for this fiscal year, total about $4 billion. This sum has been invested in 100,000 projects, from very small to some very complex multistate programs. It's extremely difficult in a few words to summarize all of this activity.

I have already attempted to point to the rather extensive evaluation efforts that we have conducted and have previously submitted for the subcommittee's use a list of major evaluation efforts—over 100 of them.

I have also submitted a compendium of 700 projects that have been determined, after rather rigorous scrutiny, to have proved to be successful. Now——

Mr. ASHBROOK. 700 out of 100,000?

Mr. VELDE. These programs represent, as I indicated, about $200 million worth of funds. This kind of review activity is intended to be ongoing. The compendium was an initial effort. Roughly a third of the grants in our total data base are under $10,000. Many of them are for one-shot training programs—sending a judge to the National Trial College out in Reno, or providing a police officer 2 weeks of specialized training.

The tangible results of those training activities are difficult to define. The same can be said regarding results when a small town police department gets some radio equipment to upgrade its communications capability. Such projects are very often extremely difficult to evaluate and then say, "Well, now, we reduced willful killings in this jurisdiction by 20 percent in the last year."

We do have a number of projects, however, that can be related to very specific crime reduction successes. A number of those were identified through evaluation efforts. It must be kept in mind, however, that we are dealing with a universe of programs and activities. A very broad spectrum is covered.

We are also dealing with a social problem that is a very difficult one. In a sense, there's no such thing as "crime." There are a series of kinds of crimes which require different strategies to be built to deal with them. One example is organized crime. We've had a discretionary grant program in the organized crime area since the beginning of the LEAA program. That program area accounts for about $90 million worth of LEAA discretionary funds.

Mr. ASHBROOK. What have you done with that?

Mr. VELDE. A detailed report shows that almost $2 billion worth of organized crime activity has been stopped as a result of these efforts.

Mr. ASHBROOK. It wouldn't have been done otherwise?

Mr. VELDE. It would not have been done otherwise.

Mr. ASHBROOK. Like B.C. and A.D.—we didn't have anything up until then?

Mr. VELDE. In many cases the LEAA-funded projects were based on other successful activities. Operation Sting here in the District of Columbia over the weekend involved $67,000 of LEAA money. The project was patterned after several other successful ones, including one in New York City that was written up in the December Reader's Digest which was also LEAA-funded.

Here, in another city at another time, exactly the same thing that was previously successfully used and nationally publicized worked well. We can point to literally hundreds of those kinds of success stories.

The question must be asked—what kind of crime are you interested in? Public concern seems to be centered on street crime in big cities. Our crime problems in this country go far beyond those dimensions. LEAA, for example, has been very active in building strategies and developing successful models for cutting down on violence and vandalism in the schools.

That requires an entirely different set of responses and approaches than street crime in the big city.

Mr. ASHBROOK. Where have you cut down on the crime in schools?

Mr. VELDE. One of our model projects can be found in Alexandria, Va.

Mr. CONYERS. Where have you cut down on crime in big cities?

Mr. VELDE. Detroit is a good example. An LEAA funded project with the Detroit Police Department last year reduced murders in that city by about 20 percent over the year before.

Mr. CONYERS. That was the LEAA-funded project that caused the reduction in murders?

Mr. VELDE. In Detroit, last year, by 20 percent; yes, sir.

Mr. CONYERS. Well, if the gentleman would yield——

Mr. ASHBROOK. That's surprising.

Mr. CONYERS. Could you explain that to me?

Mr. VELDE. Yes, sir. A special task force was established by the police department. As you know, there had been a problem with gang-type murders in the city. An analysis of the problem indicated

that there was not an effective enough police response or followup to those types of crimes.

By marshaling a special group of officers with almost unique skills, they were able to go in and intensely investigate those killings and track down the perpetrators. As a result, the number of gang-style killings has gone down in Detroit and has dramatically reduced the murder rate between 1974 and 1975.

Mr. CONYERS. What was the name of the program?

Mr. VELDE. There is an acronym for it, sir.

Mr. CONYERS. It wasn't named "STRESS" by any chance?

Mr. VELDE. No. That was not it. That project is one where the county and the city police had a shootout among themselves, as I recall?

Mr. CONYERS. Well, I'd just like to caution you, Mr. Administrator, to be a little bit more careful about these allegations of success. Now, the Detroit Police Department, the fifth largest in the United States of America, is a multimillion-dollar operation. It's clear that they could have done that themselves. Why did they need an LEAA grant to get onto murders?

Mr. VELDE. Sir, perhaps——

Mr. CONYERS. And how can you say that the grant reduced the number of crimes? What's the causal connection? How can you prove it?

Mr. VELDE. This is information that I have from the chief of police. Perhaps you might want to——

Mr. CONYERS. You mean, they were able to solve crimes of murder that were committed, as a result of an LEAA program?

Mr. VELDE. The number of murders went down in absolute numbers.

Mr. CONYERS. How did LEAA inhibit citizens who were going to otherwise commit murder?

Mr. VELDE. Again, I would suggest that the chief of police would be better able to give you detailed information on this project. It is his information that I'm paraphrasing. As I understand the project—and I have been out to Detroit and looked at it myself—there was a chronic problem of gang-style killings in Detroit. By marshaling this special team—and I'm sorry the acronym escapes me—they were able to investigate a number of the murders that they had not been able to devote sufficient attention to in the past, identify the perpetrators, bring them to trial, and convict them. As a result, the number of those kinds of murders has gone down in the past year, in absolute terms.

Mr. CONYERS. Well, I think that is the largest single indictment of a police force that I have ever heard in my life. The Detroit Police Department is a multimillion dollar operation already. You mean that the chief of police had this capability, but until he could get his hands on some Federal bucks to solve gang crimes, one of the most heinous of all kinds, he wouldn't do anything.

Mr. VELDE. No, sir. That's not exactly as I understand the situation. This was a new technique of investigation previously untried. It was out of the ordinary and may not have worked at all. It involved a risk. It required a reorganization of traditional police functions, so that, in effect the officers who first came on the scene consisted not just of a patrolman, but a specialized team of experts who could investigate immediately.

That is a tactic which is not used in many departments at all. Instead of having one patrol car respond, a complete investigative team was sent out immediately. That was a risk that had not been tried before. That's an example where LEAA funds could be well used. The local budget authorities may have well questioned that new project if they had to pay 100 percent of the cost, because it had not been tried before and it may well have failed.

Mr. CONYERS. If the gentleman from Ohio would yield——

Mr. ASHBROOK. No, no. I'm glad you're asking them, because these are questions I would have asked.

Mr. CONYERS. How many gang-land type killers were apprehended and prosecuted under this program?

Mr. VELDE. As I recall, it was around 30 or 40.

Mr. CONYERS. And how much did the program cost?

Mr. VELDE. We made several discretionary grants to the police department. The total of all of the grants in the last calendar year was about $2½ million. This was one of the projects in that overall grant. I'm sorry I don't know exactly what the cost was for that one part of the overall effort.

Mr. CONYERS. How long did the project run?

Mr. VELDE. It's still in operation. It had been in operation about a year.

Mr. CONYERS. And that is an example, in response to the question that was originally posed by the gentleman from Ohio, as a specific example of a successful program?

Mr. VELDE. Where crime was actually reduced—a serious crime problem in a big city. Yes, sir.

Mr. CONYERS. Do you or any of your staff presently here with you have any kind of report or detail or statement that this subcommittee can use to corroborate this testimony?

Mr. VELDE. We do not have it with us at this time. I have the personal information because I visited there and received a firsthand briefing.

[The following statistics were received for the record:]

DETROIT-WAYNE COUNTY CRIMINAL JUSTICE SYSTEM COORDINATING COUNCIL

(Crime Profile)

HOMICIDE (MURDER)

(INCLUDING NON-NEGLIGENT MANSLAUGHTER)

Description

Murder is the unlawful killing of another person, with some degree of intent. Non-negligent manslaughter is the unintentional killing of another person as a result of a potentially dangerous, willful act, or the intentional killing of another person without premeditation or malice.

REPORTED OFFENSES (1971 TO 1975)

Year	Detroit total	Other county total	Wayne County total	Michigan total
1975 (7 mo)	607	78	685	1,035
Percent of State total	(58.6)	(7.5)	(66.2)	(100)
1974	714	97	811	1,059
Percent of State total	(67.4)	(9.2)	(76.6)	(100)
1973	672	85	757	979
Percent of State total	(68.6)	(8.7)	(77.3)	(100)
1972	601	70	671	964
Percent of State total	(62.3)	(7.3)	(69.6)	(100)
1971	577	62	639	938
Percent of State total	(61.5)	(6.6)	(68.1)	(100)
1971–74 average	641	79	720	985

ANALYSIS OF OFFENSES

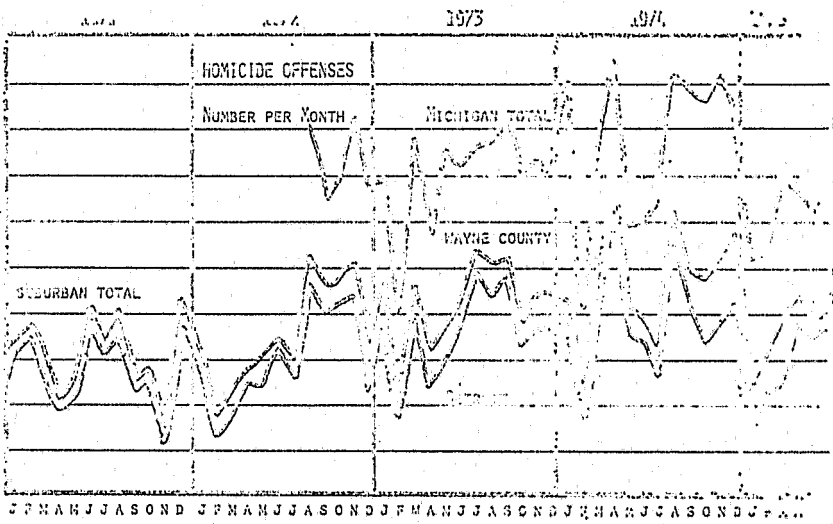
The Detroit data for 1975 is encouraging with a reduction of 10 percent offenses over the 1974 total. The State's homicide rate is closely linked to the Detroit's total. In 1975, homicide increased outside of the city and county so the State total is only a 2 percent reduction while the city's reduction was 15 percent.

HOMICIDE—1974

	Detroit	Non-Detroit	Wayne County	Michigan total
January	59	4	63	110
February	37	8	45	61
March	57	8	65	98
April	83	7	90	115
May	55	7	62	79
June	54	5	59	80
July	46	7	53	84
August	75	7	82	112
September	62	7	69	108
October	54	14	68	106
November	62	15	77	112
December	58	3	61	105
Total	714	97	811	1,170

Source: MSP and DPD monthly reports.

There appears to be no recognizable trend or pattern to the offense. The accompanying monthly chart for the 1971 to 1975 period shows a series of peaks and then drops. The above chart also supports the fact there is no noticeable pattern to the crimes.



HOMICIDE

Included with the homicide totals is Non-negligent Manslaughter (unintentional killing of another person) data. The Detroit homicide total is 60% of the State total for 1974 and 58% for the first six months of 1975. The trend lines for this crime show sharp increases and decreases. The number of homicides in the suburban communities represent an additional 8 to 10% of the State total. Statewide the peak month of April, 1974 with 115 reported homicides is also the peak month for Detroit (83) and Wayne County (90). The lowest monthly total for this 54 month period (1971–1975) is 31 for Detroit in November, 1971. The County total is 35.

ANALYSIS OF THE VICTIMS

Data regarding the victims of this crime have been collected for the last several years. The following table provides the data for the purpose of analysis on a State-wide basis.

MICHIGAN HOMICIDE DATA, 1973–75

	1973	1974	1975[1]
Total offenses	1,082	1,170	588
Age of victim:			
Under 17	65	56	52
17 to 24	263	314	132
25 to 39	392	433	222
40 and over	362	365	181
Sex of victim:			
Male	842	898	437
Female	240	272	151
Race of victim:			
White	362	416	203
Black	719	750	384
Other	1	3	1
Weapon used:			
Handgun	556	621	299
Rifle or shotgun	199	217	98
Knife or cutting	164	192	93
Bludgeon or club	42	37	37
Hands, feet, fists	61	56	30
Other or unknown	56	45	30
Disposition cleared	646	693	363
Percent	(60)	(59)	(52)
Disposition not cleared	436	477	225

[1] Data is for the 1st 7 mo of 1975.

To examine this data, we can conclude that homicide victims will be six times out of ten from Wayne County and be black males between the ages of 17 to 39. We further know that 60 percent of the offenses will be cleared by an arrest. We also know that handguns will be used in 51 percent of the offenses. When you add in rifles and shotguns, firearms will be used in two out of three homicides.

Arrest Profile

If we turn now to the offender, we can examine the cause of the offense. The Detroit Police Data for 1974 reveals that arguments were the cause of 40 percent of the offenses while robbery was the purpose 22 percent of the time, however, 38 percent of the time a series of motives or no known motive was determined. The relationship between the victim and the offender is of importance. Domestic acquaintance was determined in 47 percent of the cases while strangers were determined in 20 percent. Unknown relationship was reported for 33 percent of the cases.

HOMICIDE ARREST DATA, 1974 (WAYNE COUNTY)

	Number	White	Black	Other	Total[1]
Juvenile: Under 17:					
Male	25	6	42	0	48
Female	3	1	2	0	3
Total	28	7	44	0	51
Adult: Over 18:					
Male	483	80	380	0	460
Female	92	15	77	0	92
Total	575	95	457	0	552
Grand total: All:					
Male	508	86	422	0	508
Female	95	16	79	0	95
Total	603	102	501	0	603

[1] Race data is broken down at the 17 and under or 18 and over groups rather than 16 and under, and 17 and older.

The analysis would reveal the offenders are from 16 to 24 years of age and five out of six are black and the majority are males. Sixty percent of the female offenders are older and are in the 25 to 44 year age group. Homicide is a major arrest activity only in Detroit. You will notice that it is not included in either the county or state profile charts.

APPROACHES TO REDUCING HOMICIDE

The most obvious responses here is handgun control with the thought being to remove the guns from where people argue and fight. It has long been thought the difference between homicide and aggravated assault is the presence of a weapon.

The Detroit Police Department in consortium with a local task has been developing crisis intervention training. This may assist law enforcement officers in the execution of their duties but is a far cry from a permanent solution.

Weapons control is probably the only answer. The question is whether the public or society is ready to give up their guns. Fear for their life is causing many normally law-abiding citizens to arm themselves. With armed robberies and murders resulting from robberies commonplace it is doubtful if any long range solution will be ready for execution in less than five years.

Interim approaches, therefore, remain the order of the day. They include mandatory jail sentences for weapons offenses. Enforcement of all existing gun registration laws is another.

The more global issue is what causes an argument to turn into a murder. This is the frustration level problem. The solution to this problem is beyond the LEAA Program as its roots are in the total problems of society, e.g. housing, education, employment, health.

One clear program remains the intensive efforts of the Detroit Police Department in Squad 6, murder for hire unit or narcotics related homicide unit, and Squad 7, homicide in the course of committing a felony like robbery. These two squads are probably responsible for the reduction in homicides in 1975.

It is difficult to imagine that 25 years ago in 1950 only 113 homicides were committed in the City of Detroit. The hope to return to that level or less is beyond our capabilities to plan without a change in society.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. ASHBROOK. I find that rather interesting, too. I would add what the chairman said, because I recall very well in June of last year when we went to Cleveland, that being from Michigan and I being from Ohio, we both had some degree of shame at the testimony that Cleveland and Detroit seemed to be fighting it out neck and neck as to which one was going to be the murder capital of the country.

And my specific recollection was that it was an increasing problem.

Mr. CONYERS. You won.

Mr. ASHBROOK. Yes. I think we had the glorious distinction of winning that one, but that it was generally increasing in both areas.

Mr. CONYERS. But Atlanta came by and topped us both.

Mr. VELDE. I believe there was a national wire service story not long ago indicating that Detroit has been replaced as the murder capital of the country. I believe the 1974 figures for Detroit were roughly about 800 to 825 willful killings. Last year such killings went down to a little over 700. There was, therefore, a very significant absolute drop in the number of local killings in Detroit.

Mr. ASHBROOK. Except that they might have chased the murderers off to Cleveland, then it really wasn't.

Mr. VELDE. I don't think there was any evidence to that effect.

Mr. ASHBROOK. It's kind of like the old principle of water, you know. Well, who knows. I'm interested in several areas largely because these programs always strike me as being ones where an excessive amount goes to paperwork, goes to administration, goes to meetings.

Can you give me a breakdown as to how much of the LEAA program that has gone to administrative overhead or paperwork? I seem to get reams of books and papers and reports myself. I'm sure I only get a fraction of them—travel and meetings and conferences and so forth? Would there be a breakdown that we could put our fingers on?

Mr. VELDE. Yes. I don't have those figures with me. Since I did testify before the House Appropriations Committee last week, however, I do have some of the numbers fresh in my mind, the cost varies from account to account. We administer three block grant programs and eight categorical programs.

In our LEEP program, the law provides that none of the funds shall be used for administrative overhead. All of those funds go directly to the students. Any administrative cost is borne by the participating college.

Mr. ASHBROOK. When you get to your SPAs and your regional administration, that would not be the case; would it?

Mr. VELDE. Sir. We have a separate block grant account for planning. That goes to support the State, regional and local agency network that administers our program. This year the appropriation for that account is $60 million. That is out of our total appropriation of $809 million.

The LEAA direct overhead—our salaries and expenses, including printing—is just under $25 million this year.

Mr. ASHBROOK. What you're talking about is the Washington operation or are you talking about——

Mr. VELDE. LEAA in its entirety, including our 10 regional offices.

Mr. CONYERS. Would the gentleman yield on that point?

Mr. ASHBROOK. Surely.

Mr. CONYERS. I have information that we should confront the Administrator with—that their own in-house analysis showed that 6 percent of their total funding went to program operations; the rest went to administrative.

Mr. ASHBROOK. Well, if those sorry figures are accurate, they would parallel the other programs that I've studied. But will you comment on that? Would that be close to accurate?

Mr. VELDE. Again, it would vary from account to account. Some would be lower and some higher. In contrast to the additional Federal categorical program, the figure you cited seems low. In some HEW programs, the administrative overhead runs between 20 and 30 percent.

Mr. ASHBROOK. I don't think he understood the first—you've got it reversed. Would you repeat that, please, Mr. Chairman?

Mr. VELDE. I'm sorry, Mr. Chairman. What was the 6-percent figure? Program development or administrative overhead.

Mr. ASHBROOK. No. I think the chairman's statement was that 6 percent went to operational aspects of LEAA, and the remainder for administrative.

Mr. VELDE. No, no. That would not be the case at all.

Mr. ASHBROOK. I thought you seemed awful willing to accept that. It seemed a little——

Mr. VELDE. Oh, no. That is not at all accurate.

Mr. ASHBROOK. If it's true, I would be even more shocked than I am now.

Mr. VELDE. Our administrative overhead, including all accounts for the entire program, might run around 8 or 9 percent. This compares quite favorable to other Federal delivery systems.

Mr. ASHBROOK. But the thing that amazes me and I guess—people come in from HEW or LEAA and seem to be proud of the 100,000 projects and the fact that there are 100,000 projects going on astounds me. I don't think there's any way you can really keep track of 100,000 projects, is there?

Mr. VELDE. We do have an automated grant tracking system containing information regarding these different programs, which we try to keep current. There are about 45,000 criminal justice agencies in this country. Our criminal justice system, which employs about a million people, is an extremely complicated system. We are also dealing with one of the most complex and difficult problems that our whole society faces.

It's not a simple system; it's not a clearly defined task, such as sending a man to the Moon. There you've got one clear-cut objective, you have a certain set of resources allocated, and you know exactly what you intend to do. This is an entirely different matter; much more complicated business.

Mr. ASHBROOK. I will ask you one final question. You take that same amount of money and divide it up on some equitable basis between all of the law enforcement agencies you're talking about and the court systems—taking that entire amount and divide it up without all of the trappings that go with it, do you think we might be just as well off?

Mr. VELDE. As the Deputy Attorney General pointed out this morning, LEAA resources have totaled $5 billion and represent only a little more than 5 percent of what State and local governments have spent during our funding period on their criminal justice systems. If funds had to be spread out across the system for all purposes, the impact would be quite limited.

Mr. ASHBROOK. It may have had. My experience, in listening to the testimony, is that it probably has increased 5 percent. Maybe that would be better than what it has been. I don't think that, listening to all of the people throughout the country, we've improved the effectiveness or whatever you want to call the 5 percent.

Mr. VELDE. I submitted a chart this morning showing trends in the uniform crime reports. When an 18-percent increase is experienced from one quarter in a calendar year to the next, as happened between the third and fourth quarter of 1973, at about the time the downturn in the economy occurred—in fact, almost identically paralleling that—it's very difficult to say that LEAA, State, or local funding, or the State and local criminal justice system was instantly a failure because of that dramatic increase.

If we had another 10 or 20 or 30 percent of our resources to allocate when such a big surge in activity for the criminal justice system occurred, it might have made a difference. Those are the kinds of strategies which we've been thinking about. There is really no tested formula at this time to apply the criminal justice system's resources in such a way that it can respond on the spot to crime problems wherever they occur. Initially this is a question of police deployment.

We're doing a lot of experimentation and research in that area, but so far with limited results. It's such a complex system: 45,000 agencies and 10 million serious criminal transactions a year. That's the number of arrests for serious offenses. That's a very large volume of business.

Mr. ASHBROOK. Yes. It sure is. Thank you, Mr. Chairman. I yield now and possibly the other gentlemen will proceed and have some questions. I might follow up with a few later.

Mr. CONYERS. Mr. Mann?

Mr. MANN. I want to talk to you a little bit about the law enforcement education program. I think even without an evaluation program and without even the help of the National Institute of Law Enforcement, that anyone who walks into a courtroom in certain parts of this country that has had any experience with it, can recognize the difference in the quality of law enforcement personnel—the distinction between the slack-jawed politically selected agent of the sheriff versus the now more enthusiastic individual who has achieved a new status of some professionalism.

And that's true of the 200,000-odd inservice people who were educated and I'm certain that the 50,000-odd who were preservice have been better motivated and are of higher quality. And if I never learned anything in law enforcement, it has been that there is one sure way to improve it and that is to improve the quality of the personnel who function in it. And we don't need much research to tell us that.

And yet I see in midstream we are about to abandon it. And I don't think it's a program that States and local governments are going to pick up. It doesn't have the high profile or appeal that one more car or two more deputies would have. And so I'm highly concerned that we are about to stuff that program.

Now, I realize that there are, no doubt, fly-by-night institutions—institutions something less than high quality that have gotten into the game. They have brought a certain advantage to the program, too, in that they have brought proximity to the availability of the training so the law enforcement officer can go from first shift jobs to jobs that are technical or the community college.

And I'm also aware of the fact that the efforts of the LEEP to create an elite—and that's not exactly the right word—but to create the baccalaureate and graduate degrees, which would encourage law enforcement to be able to deal with some of the more sophisticated jobs and some of the more sophisticated people and gain community respect.

But that program is far from complete and I raise the same question about the ability of the simple individual who is interested in law enforcement to achieve that training without Federal assistance. So why is it, in your viewpoint, that we are phasing out that program?

Mr. VELDE. From LEAA's view point, sir, we wanted the program continued. In our budget recommendations to the Department of Justice for the coming fiscal year, we did request that it be continued at the current level of funding. As I indicated earlier, this is one of the very difficult choices that had to be made.

Mr. MANN. Who made the choice?

Mr. VELDE. It was made by the Office of Management and Budget and the President.

Mr. MANN. Do you know whether or not the Department of Justice took a position?

Mr. VELDE. In its initial request to OMB, the funds were included. As I indicated, it's one of the difficult choices that had to be made in setting priorities when you're facing reduced overall levels of expenditures. It was felt that LEEP was just a lower priority. It was an extremely difficult choice to make.

Mr. MANN. Well, I'm not suggesting that you had valid data to support the assertions that I've made, but do you have any information?

Mr. VELDE. Pursuant to a mandate in our 1973 amendments, the National Institute was directed by Congress to conduct a 3-year evaluation of our national criminal justice manpower needs. This study is just about completed. It will be ready this summer. An independent contractor has been conducting the study at a cost of around $3 million. This evaluation will give us some very hard data as to what educational requirements are or ought to be in the criminal justice professions. It should provide some tangible measures of the increase in professionalism, and a much better definition of the job skill requirements for service in criminal justice. This kind of information has, up until now, been generally assumed, but has been very difficult to quantify.

There have been a number of lawsuits, incidentally, in instances where police departments have given pay incentives or set minimal educational levels for entrance or promotion. There are lawsuits challenging those requirements and there is a body of information now being accumulated as a result of court cases and the opinions issued.

In some jurisdictions, those incentive pay programs or requirements are being validated; in other cases, they are not.

Mr. MANN. Well, since the ultimate responsibility for the determination of whether or not to include funds in the authorization is that of the Congress, is there any possibility you can furnish us any information or any preliminary information from this study?

Mr. VELDE. Yes, sir. Our current budget for fiscal 1976 includes funds not only for the school year that we're in now, but for the next school year. The Administration's proposal is to eliminate the program, except for those students that are currently in it, for the following school year, 1977–78. There is some time before the cut would become absolutely effective. The cited information will be available before then.

Mr. MANN. Now, I recognize the thrust of your change from some of the categorical programs to more of the block grant programs are at least to switch the categorical programs all into discretionary. I see you mentioned in your statement of how the corrections formula is to be handled. I know that's a favorable formula for corrections now—maybe not a mandatory one, but a highly suggestive one. What change are you recommending there?

Mr. VELDE. We are proposing some changes in our part E authority, but not to the fund allocation formula. There are other changes proposed in our other grant programs, primarily in part C, which have to do with grants to Indian tribes. In our part C and our juvenile delinquency block grant programs nonprofit organizations are eligible grantees.

In our part E program for corrections, they are not. The Administration is requesting authority to make nonprofit groups directly eligible for part E funds. As far as the allocation of funds, we are not proposing any change in the current provisions.

Mr. MANN. You are recommending that the maintenance program section on juvenile delinquency be eliminated?

Mr. VELDE. Yes. We are.

Mr. MANN. And that it would fall, therefore, purely within the block grant determination by States?

Mr. VELDE. No. We are not requesting a change in the formula allocation authority that we now have in the juvenile delinquency program. We are requesting that the current maintenance of effort provisions that apply to our other accounts be eliminated so that there can be more flexibility in allocating funds in our other programs.

The law currently provides that the $112 million actually spent on juvenile delinquency programs in fiscal 1972 through the LEAA program be a floor or base of expenditure for our accounts in each year.

In the last 2 fiscal years, the total available money to LEAA has decreased. The Administration's budget for the coming year includes another $100 million decrease. Yet, we still must maintain our 1972 level of juvenile delinquency effort under the requirements of the 1974 legislation.

It is that provision we're requesting be changed.

Mr. MANN. Would that require an amendment to the——

Mr. VELDE. To the 1974 act, yes, sir.

Mr. MANN. Well, I'm not sure that I fully understand all of the implications of that. But again—and I'm certainly not certain that I disagree with the increased flexibility that that would bring about—but again in the area of the juvenile justice problem, we know that in spite of the lack of information or firm evidence from the Institute or anywhere else, that such data is available in the case of juvenile delinquency, where the basic problem lies—if you will allow me to include in that the early graduates of that juvenile delinquency age group and the recidivism that comes from it.

Would it be your thought that there would be discretionary categorical-type programs developed by LEAA as a whole to deal with that problem or——

Mr. VELDE. Yes, sir.

Mr. MANN [continuing]. How are we going to engage in the practices of 55 jurisdictions in making their own determinations?

Mr. VELDE. Some considerations would apply across the board to both block-grant accounts, where the States make decisions, and to our own discretionary or categorical accounts, where we make the determinations. I would anticipate that there will continue to be a very significant interest and fund commitment in the juvenile delinquency area because it does represent a very major and serious part of our overall crime problem. That concern has been a continuing factor in allocation of LEAA funds, even before the juvenile delinquency authority was given us.

Now we are in a situation where we must meet this statutory floor, despite decreasing budgets. It becomes an increasingly larger share of our total spending authority. We have other pressures. There was

testimony here yesterday, I believe, from the Conference of Chief Justices wanting a separate courts allocation of our funds.

Mr. MANN. Well, I understand the problem.

Mr. VELDE. If the police were to come in and request an allocation equivalent to their share of expenditures, we'd soon be trying to carve up 130 or 140 percent of 100 percent.

Mr. MANN. Right.

Mr. VELDE. The whole planning process would go down the drain in the process. There would be too much earmarking. That is the problem that we're struggling with.

Mr. MANN. Thank you, Mr. Chairman.

Mr. CONYERS. Well, we do it all of the time around here, Mr. Velde.

Mr. VELDE. I think we sometimes do it in our shop also, Mr. Chairman, or try.

Mr. CONYERS. Page 1 says: "LEAA fulfills its mandate through a program that fully recognizes the State and local responsibility for crime control." Is LEAA fulfilling that mandate, in your view?

Mr. VELDE. The whole nature of our program demands a limited role for LEAA. There is a provision of our law, section 518(a), which prohibits us from exercising policy direction or control over State and local law enforcement. The basic delivery system for our funds—block grants—where money is allocated according to population, takes discretion out of our hands as to the amount that each State will get.

Assuming an acceptable plan is submitted, it's up to the State and the participating localities to decide how those funds shall be used. In the case of our discretionary accounts, of course, we make the grant awards. If a State or locality does not want to apply for a discretionary grant, it does not have to.

I know of no serious charge by a State and local criminal justice agency that LEAA has dominated or interfered with their policies or programs. We do hear such charges from time to time from certain outside groups. One group has alleged a joint CIA–LEAA conspiracy to take over State and local law enforcement. There's no substance to that. In the years of the LEAA experience so far, the primary control and responsibility has remained in State and local hands.

Mr. CONYERS. I always felt that there was validity to the allegations that the CIA was trying to assasinate leaders of other governments. I never believed that the CIA was intercepting telephone calls overseas wholesale. I couldn't believe that the CIA was violating its statutory mandate in burglaries and other kinds of criminal activities.

I hope you're right in your belief that they're not connected with——

Mr. VELDE. In all of the investigations of the Agency and related programs in the past years, only a very minimal involvement of the CIA has been indicated in domestic or local law enforcement activities—and those few instances were in the Washington metropolitan area. A 1973 House floor amendment to our legislation specifically prohibited LEAA from utilizing CIA as a resource in providing assistance to the States.

Mr. CONYERS. Sure. So your statement is to the best of your knowledge.

Mr. VELDE. Yes, sir. I am quite familiar with what the LEAA program has done. I know I have never sought any such assistance from the CIA and don't intend to.

Mr. CONYERS. Do you feel that the funds have been spent in accordance with the Crime Control Act, the State plan and other requirements of Federal law? That is, as an administrator, as a steward giving an accounting of this public trust, can you state to me that these equipment horror stories that float around Washington, the allegations of extensive worldwide travel, the lack of enforcement of the equal opportunity provisions and civil rights parts of the bill are being enforced to your satisfaction?

Mr. VELDE. Sir, we have done our best to comply with congressional intent and with the directions of the President and the Attorney General in administering the program. I would not certainly want to represent or suggest in anyway that we've done a perfect job—far from it. There is room for improvement.

We have made mistakes. We've had our share of failures. We hope to learn from our failures and our weaknesses and improve the program to make it more effective.

Mr. CONYERS. Well, the Mitre study agrees with you and goes even further——

Mr. VELDE. Which study? I didn't hear you.

Mr. CONYERS. The Mitre study.

Mr. VELDE. Oh, the Mitre study, yes.

Mr. CONYERS. Because they agree with you at that point and they go further. They have criticized the planning extensively, the lack of concern for the civil rights aspects of the legislation, the evaluation process.

Can you name for me which States or any States that have conformed with the statutory mandates and the regulatory provisions that govern LEAA funding?

Mr. VELDE. Sir, let me respond in this fashion. As I indicated previously, we deal with an extremely complex criminal justice system—45,000 agencies. We deal with, under the terms of our law, 55 State governments, about 3,000 counties, and numerous local jurisdictions.

The system of State and local government in this country is an extremely diverse one, with varying degrees of competence, experience, and resources. In any given year, perhaps a third of our State programs are managed in a way that could be considered outstanding. Another third would, by objective analysis—and we do attempt to survey each State program at least once every other year—be assigned grades of B— or C+ for their efforts. The other third would receive barely passing grades. Extensive assistance and help is needed.

This is a broad generalization. However, the nature of State and local governments and the degree of their performance and reliability varies significantly from jurisdiction to jurisdiction. We try to deal with all on an equal basis.

I might add that the same jurisdiction from time to time may vary significantly. There may be a change of political leadership or a change of priorities; public controversies could erupt and change the situation in any given locality or State at any time.

Our program is affected by such changes. Our program has been a major issue in certain reelection campaigns. Governors have been elected or defeated partly as a result of their stewardship of our program. This also applies to mayors, chiefs of police, and others.

This is one aspect of our constitutional system. With a diversity of governmental function and activity, you will find all stripes, shapes,

and varieties. Our program is no better or no worse than the strengths and weaknesses of State and local governments.

Mr. CONYERS. Has every——

Mr. VELDE. The Federal Government is an integral part of this system as well.

Mr. CONYERS. As I read your descriptions of the pilot cities program and the high-impact anticrime program and then read the newspaper accounts of the report from this program, I get two different versions. For example, on page 4, with regard to the pilot cities program, you describe the goals and you go on to say:

> In virtually every target city, planned and unanticipated benefits of the nature of development of planning and evaluation skills, technical assistance provided, and projects implemented, were realized.

In the high-impact anticrime program you describe on pages 4 and 5—again, you say after describing their goals that: "thus providing for a lasting contribution for an intensive short-term Federal demonstration program."

The Washington Post of yesterday interpreted the report as follows:

> Violent crime has considerably worsened in eight cities that the Nixon administration chose for a multimillion dollar anticrime program in 1972, a government-funded study reported yesterday. Evaluators from the Mitre Corp., a private research firm, concluded that the high impact anticrime program failed to fulfill the Nixon administration's promise of 5-percent reduction in street crimes and burglary within 2 years in the target cities.
>
> The Law Enforcement Assistance Administration operated the program, which ends in December, and paid the evaluator $2.4 million to evaluate the results. The report suggested that it was foolish for administration officials to launch the program with the claim that it would bring about an actual percentage reduction in the crime rate. The promised reductions were not based on any empirical evidence that could be attained, the report said.
>
> Further, the evaluators said it is difficult to judge precisely what impact the program had on the cities' crimes rates. They based their conclusions on FBI figures in crimes reported to police on those cities, but cautioned that those statistics are highly fallible as measures of crime. Most studies show that many crimes are never reported.
>
> The Nixon administration's new federalism meant fewer Federal controls over local projects financed with Federal money. Besides poor planning, the program suffered from bickering and a lack of coordination among Federal, State, and local agencies.

Where, in your evaluations, and anywhere in your presentations to this subcommittee, do you suggest the kind of criticisms that have been reported n yesterday's edition of the Washington Post?

Mr. VELDE I would start out my response by saying that it depends on which newspaper you read.

Mr. CONYERS. Well, we'll take the Washington Post for right now.

Mr. VELDE. I believe the Post used the Associated Press wire service story. I would like to submit for the record the United Press International wire service story which arrived at quite different conclusions.

Mr. CONYERS. I see.

Mr. VELDE. I don't have it with me, but I'd be pleased to submit it for the subcommittee's record.

[The material referred to was subsequently submitted for the record.]

> WASHINGTON (UPI).—A four-year, $140 million anti-crime program in eight cities has achieved scattered gains but failed to meet ambitious goals of reducing all street crime, according to an analysis released today.
>
> It was said to be the biggest discretionary grant program ever financed by the law enforcement assistance administration.

The program—under way since 1972 in the "High Impact" cities of Atlanta, Baltimore, Cleveland, Dallas, Denver, Newark, St. Louis, and Portland—is scheduled to end next December.

The results are falling far short of the original goals of reducing street crime and burglary rates by 5 percent in two years and 20 percent in five years, the analysis indicated. It said the goals were "unrealistic".

But gains have been achieved in some types of crimes, the analysis showed. Murder was reduced in Dallas, rape declined in Baltimore, and in 1973–74 burglary was "significantly" reduced in Baltimore, Cleveland, Dallas, Denver and Newark.

In addition, Dallas, Denver and Newark improved their crime rankings in relation to other cities, the analysis showed.

But with few exceptions, the rates of all types of violent crimes—murder, rape, assault and robbery—generally grew worse, the analysis showed.

The analysis, which has cost the LEAA $2.4 million, was conducted between July, 1972, and last December by the Mitre Corp., a non-profit research firm with headquarters in Bedford, Mass., and McLean, Va.

Mr. CONYERS. Are you implying that this is an incorrect interpretation of the report?

Mr. VELDE. No, sir. What I'm suggesting is that there is information in that report which indicates both strengths and weaknesses of the high impact program. One news account highlighted some of the failures, while the other one highlighted some of the successes.

Mr. CONYERS. All right. Let's grant all of the successes and examine the failures. Incidentally, I selectively quoted from that article. I didn't mean to give you the impression that it was reported the way that I read it to you.

But was there anything in the quotations that I selected from the Associated Press article by Margaret Gentry in yesterday's Washington Post that are incorrect?

Mr. VELDE. Yes; with respect to the crime reduction objectives. My report did indicate that one of the eight cities did achieve those goals over the 3-year period—namely, Newark. The AP story also did not point out that six of the eight cities met those crime reduction objectives the first year of the program. No one seriously contended that the high impact program was a success because its crime reduction objectives were met before the program hardly got off the ground.

It so happened that there was an overall 6 percent national reduction in crime in 1972, the first year of the program, six of those eight cities also met the national crime reduction objectives.

That was not pointed out in the AP story at all.

Mr. CONYERS. That doesn't say much for the program either.

Mr. VELDE. What the Mitre report suggested was that it was unrealistic to judge the success of a program of this nature in terms of specific trend data in the uniform crime reports. The AP story did correctly point out the "fallibility" of using the uniform crime reporting system in that fashion. That was one of the major findings of Mitre.

We have submitted the complete Mitre evaluation and a summary of it to the subcommittee. There was a strong recommendation that the program be continued, with certain modifications.

Mr. CONYERS. Is it true that you have proposed a new impact-type miniblock program?

Mr. VELDE. The administration's bill does contain a request for authority to establish line-item authority for a high crime area program; yes, sir. In a sense, it is a continuation of the experience that we've gained not only with pilot cities and impact cities programs,

but with other discretionary grant programs. In the first year of LEAA's existence, we had what we called a "big city" discretionary program. This is an evolutionary process. The underlying crime problems are still with us.

Mr. CONYERS. How much does the line item cost?

Mr. VELDE. The administration is requesting authority to spend $50 million a year for 5 years. Including the transition period, the total would be about $262 million.

Mr. CONYERS. True or false? Violent crime has considerably worsened in eight cities that the Nixon administration chose for a multimillion dollar anticrime program in 1972, a government-funded study reported yesterday.

Mr. VELDE. False. I noted the exception of Newark, where the figures went down in absolute terms. Those figures are contained in the report.

Mr. CONYERS. Evaluators from the Mitre Corp., a private research firm, concluded that the high impact anticrime program failed to fulfill the Nixon administration's promise of a 5-percent reduction in street crimes and burglary within 2 years in the target cities.

Mr. VELDE. With the exception that I mentioned as far as 1972, where those objectives were met, the answer to that is true—again, with the Newark exception.

Mr. CONYERS. True or false? The report suggested that it was foolish for administration officials to launch the program with the claim that it would bring about an actual percentage reduction in the crime rate.

Mr. VELDE. I would agree with that statement. It's true. I base that now on hindsight and 3 years experience in dealing with this program.

Mr. CONYERS. This is the last of the true and false questions.

Mr. VELDE. I like those questions.

Mr. CONYERS. I notice you need more than the one-word answers this time, but that's all right.

Besides poor planning, the program suffered from bickering and a lack of coordination among Federal, State, and local agencies, the report said.

Mr. VELDE. That is true. If I may elaborate briefly on that point, the report found—and actually summarized what we already knew—that in four of the eight cities, there were considerable delays in implementation because of the inability of local officials to get along, first of all, with themselves. Atlanta was a good example. There was a change of municipal administration and a major dispute between the new mayor and the old chief of police. In Dallas there was a major dispute between the city and the county that took over 1 year to resolve. In four of the eight cities, there were very significant political squabbles and problems which severely hampered the administration of the program. There were some problems at the Federal level, as well as at the State level.

Mr. CONYERS. Is it fair and accurate to say that you reviewed that report, that is, the Mitre report, before it was released?

Well, is it not standard practice at LEAA to review all reports and evaluations that it contracts for, including GAO?

Mr. VELDE. Yes; that is correct. We had received interim progress reports on the Mitre evaluation effort since its inception. As early as

last fall, we had some advance indication of what some of the major findings would be. The report was submitted to us before it was publicly released that is true.

Mr. CONYERS. Well, let me get to the point. Was it rewritten?

Mr. VELDE. I beg your pardon?

Mr. CONYERS. Was it rewritten?

Mr. VELDE. Not to my knowledge. No, sir.

Mr. CONYERS. Now, H.R. 9236, which would provide, in addition to block grant funds, $262½ million for special programs. What can you tell us that will be convincing that these funds will not meet the same fate as the pilot cities money? Is it always going to be the story of, "We ran into a lot of problems, Chief. It could have been worse. We learned a lot. It will be better next time," and so on?

Mr. VELDE. Assuming that Congress gives us the authority in the fashion that it has been requested—and I certainly hope that that will be the case—we have learned from our experience—our failures and our successes—in these three previous programs.

No ambitious crime reduction goals will be set. We will not rush headlong into a city simply because it has a severe crime problem. That was the primary criteria for the selection of the eight impact cities, a crime problem that exceeded the national norm for cities of that size by 20 percent.

Any new effort is going to take something more than that. It's going to take a commitment on the part of the political and criminal justice leadership in the community. It's going to take a good track record regarding administration of funds. We do not intend to go back into a city that has significant audit problems or civil rights compliance problems and do the same thing all over again.

I would certainly not be a party to that. I'm convinced, realizing the preliminary work that we have done so far, that we are beginning to shape a program, assuming we get the authority and the money from the Congress this year, that there can be a better program than the prior ones, and which will be more successful. I certainly cannot guarantee that it will be 100-percent successful.

We are dealing with the most difficult problem that our society faces at the domestic level. Despite our best efforts, crime is still with us. It's really tough, to use the vernacular.

I hope that we will succeed. I expect that we will. All we can do is our best. I think we now have enough knowledge and experience through evaluation efforts, such as Mitre, to give us a lot more understanding and insight as to what we ought to do. Mr. Chairman, that's the best I can offer.

Mr. CONYERS. On page 12, you say—and I quote—"LEAA is as intensively involved in program evaluation as is any other Government agency." How involved is that? Have you considered simply writing an evaluation clause into each project and contract, making whatever financial allowances that are necessary? Is that feasible?

Mr. VELDE. Sir, we have had some experience in that regard. In the first 2 years of our program, fiscal years 1969 and 1970, there was such a provision in California. There had to be an evaluation of every grant, no matter how large or how small. That proved to be unworkable. So many of the grants were small and for a very specific purpose, it was a waste of time, effort, and money to go through a formal evaluation procedure.

California found, on the basis of its experience, that these evaluation efforts were very expensive. The average was somewhere between 15 and 20 percent of the total project costs. The State of California also soon became inundated with questionnaire forms that every criminal justice agency had to fill out to meet evaluation requirements—to the point where the administrators and managers had time for nothing else but filling out questionnaires.

This demonstrated to us that there has to be some kind of a balance. Evaluation is an important priority, but it cannot be an end to itself. I would not think that an across-the-board evaluation of all projects would really achieve the intended purpose.

Mr. CONYERS. With regard to fair employment practices—and let me say that I have noted that in the law enforcement agencies there is an obvious tendency not to have blacks involved in all of the capacities, LEAA especially. Can you tell me, sir, what percentage of the men and women that work for LEAA are black?

Mr. VELDE. Yes, sir, I can. I have here a book published by the Department of Justice this week. It was brought to my attention today. It's entitled, "Department of Justice Employment Fact Book for the Period July 1–December 31st, 1975." Quoting from the report, on page 20, table 11: "Minority Employment by Organization," as of December 31, 1975—under the heading, "Total minority," the absolute number of LEAA minority employees is 204. This is 24.1 percent of our total employment.

In the second column in that same table, of that total minority employment, 182 are reported to be black. That represents 21.5 percent of our total employment. Looking down to the "Total Department" figure, we see the departmental average of black employment is 12.1 percent. Looking further at that column, it can be seen that the 21.5 percent figure for LEAA is the highest in the Department.

Mr. CONYERS. In the Department of Justice?

Mr. VELDE. The Department of Justice. I believe it is one of the highest in the executive branch of Government.

Mr. CONYERS. Now, do you have any further records that indicate where that 21.5 percent is spread throughout the hierarchy of LEAA? For example, at the top?

Mr. VELDE. Yes, sir. I can give you the average grade level of those minority employees. At the top I have a special assistant for minority and women's affairs who is black; one of our regional administrators, GS–16, is black; we have a black director of operations in our Philadelphia regional office: in our Denver regional office, the deputy there, the No. 2 man, is black.

Mr. CONYERS. Well, I appreciate this casual strolling through the statistics but I'd like to find out where the 182 are placed specifically throughout the 518.

Mr. VELDE. I'd be pleased to provide that for the record.

Mr. CONYERS. You understand the implications of this question?

Mr. VELDE. Yes, sir.

Mr. CONYERS. So if that is not contained in the report that you are citing to me, we would be happy to accept it and any supplemental material that you would submit.

Mr. VELDE. All right. There are additional tables in this report and any additional information that would be requested, we'll be pleased to provide.

[The material referred to will be submitted at a later date.]

Mr. CONYERS. Have complaints come to your attention about the fact that there is felt to be unfairness in LEAA, based on racial considerations?

Mr. VELDE. We do——

Mr. CONYERS. Are you aware, for example, that the Congresswoman from Texas is seeking to testify before this committee, as is the gentleman from New York, on the problem of the employment of your staff on the basis of race, creed, and color has not been sufficient in their judgment?

Mr. VELDE. I know that both of those Members of Congress are scheduled to testify, but I'm not aware of the subject matter of their testimony. No, sir.

Mr. CONYERS. Do you have any questions?

Ms. FREED. I just have one question, Mr. Velde. It concerns the Administration's, and I believe, your request for an advisory board. As I understand it, you don't need congressional mandate or authority to create such a board and, in fact, you have, since the bill has come out, created an advisory board.

We have information from OMB that there are 1,341 advisory boards in the Government with 22,702 members. We also have information that LEAA at present has four of those advisory boards and that you spend $1,357,000 administering them. What do you need another advisory board for?

Mr. VELDE. You are absolutely correct in stating that both the Attorney General and LEAA have current authority to establish advisory boards and, in fact, have done so. You have also correctly indicated that we have four such groups that meet the qualifications under the Federal Advisory Committee Act.

From time to time, we have also appointed other ad hoc groups for specific purposes. It is my understanding that the Attorney General will shortly appoint such an advisory board to assist us with our discretionary grant programs.

Legislative authority to create this board has been requested for several reasons. First, the Attorney General does have oversight policy direction responsibilities regarding our program and it's his strong feeling that an independent group could help him discharge these responsibilities.

Secondly, there is a strong feeling that this group should have the prestige and the authority to do a good job. Under the terms of the 1974 juvenile delinquency legislation, we now have a Presidentially appointed advisory committee consisting of 21 persons. But this is in one narrow area. By giving this new group an express statutory mandate, it will not only give it the authority and prestige that it needs, but it will insure that the best people available will serve on it.

Ms. FREED. That wasn't the answer I expected. I expected you to say that this advisory board is to review the priorities that you place in your discretionary fund programs and that, as has been testified to in these hearings, sometimes discretionary fund programs are tied to the politics and the priorities of the Administration.

Mr. VELDE. I agree the advisory board will assist in reviewing discretionary program priorities. However, as far as being a vehicle to disperse political responsibility or to minimize any criticism, that is not the intent in this case.

Mr. CONYERS. Counsel Chris Gekas.

Mr. GEKAS. Thank you, Mr. Chairman. Mr. Velde, some of the testimony that we've heard concerned itself with the administration of your administration. And we've heard some criticism. I think the Deputy Attorney General made reference to the fact that one of the new appointees—if I understood him correctly—one of the new appointees would be concerning himself with deficiencies in the administration. Do you have any comments about that general problem?

Mr. VELDE. LEAA has been a controversial agency since it opened its door. The subject matter that we deal with is crime control and the improvement of criminal justice. This is one of the most complex and difficult areas in our society.

Men and women of good will disagree, sometimes very violently, as what ought to be done and what priorities ought to be. Our Agency has had a turnover in political leadership, as has the Justice Department. There have been different points of view and different approaches to deal with some of the crime problems.

The Congress has given us broad flexibility to change priorities, to try different things. I wouldn't suggest, on the basis of my experience, that it's been so much a problem of change of personalities as an interest in trying different programs from time to time.

As far as the administration of the program is concerned, we're doubly controversial because of our delivery system. The block grant concept was first put into wide-scale operation in the LEAA setting. The dynamics of that new way of delivering Federal aid has resulted in a unique set of managerial and administrative problems, quite atypical of the conventional Federal aid program.

Our program has also been placed within the Justice Department where there had been little prior experience in the administration of aid programs. That has caused problems in administration from time to time.

Since the inception of the program, LEAA has been fortunate to receive very substantial congressional support in terms of dollar and resource allocation. However, we're a very small agency in terms of personnel. Our police desk, for example, has three professionals; our courts desk, 2½ professionals; our whole academic assistance program—a $40 million grant program—eight positions.

Our most precious resource has been our people. They have had tremendous responsibilities placed on them for grant administration, monitoring, and evaluation, in a very complex and difficult area. Although we do our best, we still have some improvements to make. I would be the first to concede that.

I have had some background in public administration in other Federal agencies. I have some graduate work in that area and my own personal background at the doctoral level is in public administration, as well as law. On balance I think that the Agency has done exceedingly well, considering the environment, the subject matter that it deals in, and the conditions under which we've had to operate in the Justice Department and in the executive branch of the Government.

Mr. GEKAS. Let me ask a couple of other quickies. I understand that LEAA has prepared a profile of the recent activities of the National Institute and I'm sure you're aware that that's a subject of great interest to the subcommittee.

Could you submit a profile of the Institute's activities and perhaps a list of all of the projects that have been funded over the last fiscal year or maybe 2 fiscal years?

Mr. VELDE. Surely. I will be pleased to provide that.

[The material referred to will be submitted at a later date.]

Mr. GEKAS. On the question of evaluation——

Mr. VELDE. I might add, counsel, that under our 1973 amendments, we are required to submit an annual report to the Congress on the activities of the Institute. We do have those reports for 3 years. I'm sure they've been submitted to the subcommittee. They also give a summary of the Institute's program, too.

Mr. GEKAS. Senator Kennedy has introduced a bill in the Senate which has a number of interesting and some controversial provisions, one of which relates to the question of evaluation. And if I'm not mistaken, he would establish a mechanism to more formalize evaluation capabilities and responsibilities within the agency by setting up or creating a Deputy Administrator for Evaluation.

Has the Department reviewed that proposal? First of all, am I correct in my characterization about it? And second of all, is there a view of the Department on that particular——

Mr. VELDE. I can give you the Senate bill number S. 3043. My understanding of the provisions of that bill is that our current Deputy Administrator for Administration would be given statutory responsibilities for LEAA's evaluation program.

Mr. GEKAS. Moving in from the National Institute, where he now primarily resides, is that correct?

Mr. VELDE. As I understand the Kennedy bill, the current evaluation responsibilities of the Institute would remain intact.

Mr. GEKAS. I see.

Mr. VELDE. This would be an additional duty. This could be an administrative morass. Evaluation responsibility would be dispersed. One of the first principles of management is that you give someone authority and also make them responsible. If you have two different groups in the same agency with essentially the same responsibility, it becomes very difficult to administer.

With respect to the second part of your question, to my knowledge the Department has not yet been formally asked to comment on the Kennedy bill although we have developed our own informal response. I would not want to represent our views at this time as being those of the Department.

I assume that the Senate will ask us for our views. I'm sure there would be no objection if a copy of that report would be submitted here too.

[The report referred to will be submitted at a later date.]

Mr. GEKAS. Thank you, sir.

Mr. VELDE. To my knowledge, there's been no companion to the Kennedy bill introduced in the House.

Mr. CONYERS. Mr. Velde, in closing, I want to thank you for your time spent with this committee and I suppose you have now perceived

the fact that I am not in agreement with your description of what LEAA has been doing recently and how it has been doing it.

I only wish that I had more concrete suggestions to make to you, but I am clear in my own mind that what has gone on cannot continue to go on. I do not think that we can justify to the American people, the fact that we have some nice fellows over there that are trying that are admitting their errors as they go along, at the cost of $1 billion every year.

To me, the problem, to which you were created to affect, is more important than that. I believe that the Congress and the American people are entitled to more than they have gotten and as the subcommittee chairman of this committee, I'm going to try to do everything that I can to see that we speak more directly to that.

What we have been dealing with is a fiscal relief program, where there are thousands and thousands of agencies, governmental to be sure, who need the bread, in the vernacular. The cities couldn't care where this came from. They could drop it out of the Commerce Department, from the Defense Department, from HEW, or anywhere else. The mayors are desperate; the Governors are bankrupt or nearly so. A Federal buck looks good, no matter what purpose it is brought into any of the several States for.

And so I can't really be too critical about their view. But it really does seem to me that until somewhere in the Government we begin to take a more incisive evaluation of the nature of the problem and not ask me to satisfy myself that we're dealing with an eight-century-old problem that no one else before us has solved, that we're dealing with internationally rising crime rates.

To me, that tells me more about the bankruptcy that has characterized too much of our governmental action in the criminal justice process than anything else that has gone on here today.

I would further like to add that I hope that we will treat our discussions here today as initiatory and really a beginning in the relationship which must continue, if we are to advance together in this struggle. So I respectfully appreciate your testimony and I hope that you will respectfully appreciate my comments about that.

Mr. VELDE. Thank you, Mr. Chairman. We will be pleased to work with you and provide you with whatever information you need to exercise your oversight responsibilities. We certainly don't feel that we have any monopoly on ideas or suggestions as to how the program should be made better or how we can deal with this most difficult problem. We need and solicit congressional support and encouragement. We will do all that we can to be responsive to your interests and your concerns.

Mr. CONYERS. Thank you. The subcommittee is adjourned until 10 o'clock Monday morning.

[Whereupon, at 4:05 p.m., the subcommittee adjourned until 10 a.m., Monday, March 8, 1976.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

MONDAY, MARCH 8, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:07 a.m., in room 2237, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representative Conyers.

Also present: Leslie Freed, counsel, and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

We are very pleased to have two members of the court to lead off our testimony, as the hearings on the reauthorization of the Law Enforcement Assistance Administration legislation continue. With us today are Justice Harry Spencer and Judge Henry Pennington of the American Bar Association.

Justice Spencer is a member of the Supreme Court of Nebraska, who served on the Executive Committee of Appellate Judges Conference and serves on the ABA Judicial Administration Division Committee on the LEAA Oversight and, for that reason, we are very pleased to have him with us.

District Court Judge Pennington, of Kentucky, is a former director of the Kentucky model courts project, and he is a member of the special study team on LEAA support of the State courts of the American University criminal courts technical assistance project.

Welcome, Your Honors, and we have your prepared statement which will be introduced at this point in the record in its entirety, and that will free you for whatever comments you would have added to your report.

[The prepared statement of Justice Harry A. Spencer and Judge Henry V. Pennington follows:]

STATEMENT OF JUSTICE HARRY A. SPENCER, SUPREME COURT OF NEBRASKA AND JUDGE HENRY V. PENNINGTON, DISTRICT COURT OF KENTUCKY, REPRESENTING THE AMERICAN BAR ASSOCIATION CONCERNING THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. Chairman and members of the subcommittee: It is a privilege to appear before the Subcommittee on Crime of the House of Representatives' Committee on the Judiciary and to be able to present the views of the American Bar Association regarding legislation which would reauthorize and fund the Law Enforcement Assistance Administration.

Both of us have had a great deal of experience working with and analyzing the activities of the Law Enforcement Assistance Administration. So that you will better understand and appreciate the comments we are about to make please

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allow us to introduce ourselves. Justice Harry A. Spencer is on the Supreme Court of Nebraska and the Executive Committee of the Appellate Judges Conference, a national membership organization of state and federal appellate judges, where he also serves as the Continuing Appellate Education Committee Chairman. Justice Spencer serves on the ABA Judicial Administration Division Committee on LEAA Oversight; the Committee responsible for preparing the resolution adopted by the Association which enables us to appear before you today.

Judge Henry V. Pennington is on the District Court of Kentucky and is the former Director of the Kentucky Model Courts Project. More importantly, he is a member of the LEAA funded three-man Special Study Team on LEAA Support of the State Courts, selected by the American University Criminal Courts Technical Assistance Project.

At the outset, Mr. Chairman, we should make clear the charter under which we appear. The American Bar Association has played a very active role in the activities, programs, development and reform of the nation's criminal justice system. Therefore, it has a keen interest in the future and direction of the Law Enforcement Assistance Administration. Accordingly, when the ABA House of Delegates most recently adopted resolutions regarding the LEAA, it did so after a great deal of consideration. Attached to this statement is a copy of those resolutions.

The ABA agrees with President Gerald R. Ford regarding the ways in which the Federal government can play an important role in law enforcement. As you might recall, in his message on crime the President suggested that the Federal government can provide leadership to state and local governments by enacting laws which serve as models for other jurisdictions and by improving the Federal criminal justice system. It can enact and vigorously enforce laws covering criminal conduct that cannot be adequately handled by local jurisdictions. In addition, it can provide financial and technical assistance to state and local governments so that they can improve their ability to enforce the law. LEAA is the means by which the Federal government performs this final, important function.

While we are aware of the many problems confronting the LEAA, we can not help but feel that the nation would be far worse off without the agency. However, we also feel that if the agency is to continue it must be improved and refined, to improve the efficacy of its criminal justice programs.

In our view, it is becoming increasingly apparent that there is a fundamental flaw in this nation's criminal justice system. The effect of this flaw is being felt everywhere, but most severely in many major cities, and has caused national attention to focus upon the state and local courts. It is the state and local courts which are burdened with a caseload, both criminal and civil, which has been growing well out of proportion to the resources available to the courts. Therefore, the efforts of Congress to do something to reduce the outbreak of violent crimes and juvenile delinquency in the nation are being frustrated by this weak link in the system.

This flaw has not gone unnoticed. President Ford, during a recent speech at Yale University, called upon Congress to do something to give the nation's state and local courts further assistance. This problem was also identified in the report submitted to the Law Enforcement Assistance Administration by the Criminal Courts Technical Assistance Project at American University. The "Report of the Special Study Team on LEAA Support of the State Courts" (February 1975) repeatedly drew attention to the imbalance in the nation's criminal justice system as a result of this flaw.

It has been the consensus of all who have analyzed and evaluated this problem that severe court congestion stems from massive increases in the incidence of crime further compounded by the increasingly complex nature of criminal litigation. At the same time, comparable increases in the incidence and complexity of civil litigation has also taken place.

This imbalance has grown more severe in recent years as a result of the infusion of federal criminal justice resources at both the state and federal levels which have clearly favored law enforcement and corrections over the courts. Today, with the passage of more than seven years since the creation of the Law Enforcement Assistance Administration and its expenditure of more than four billion dollars, crime and delinquency have not shown a significant decline; however, the law enforcement aspects of the criminal justice system in every state have been significantly upgraded, thus compounding the already critical caseload situation in the state and local courts.

With the enactment of the Omnibus Crime Control and Safe Streets Act of 1968 the Federal government became actively involved in the "War on Crime".

For the first time significant amounts of federal funds were made available to the states to help them cope with the problems of enforcing state criminal laws. It was the intent of Congress that the funds it made available be used in a balanced manner through the use of comprehensive state planning on the part of each state criminal planning agency.

Congress failed to recognize, however, that by placing the state criminal planning agency (SPA) in the control of the executive branch, the SPA's became keenly aware of the needs of the executive branch criminal justice agencies, notably the police, and had little understanding of, or support for, the courts. The constitutional and practical need for a separate but equal judiciary was overlooked.

In fact, the report commissioned by the LEAA through its Criminal Courts Technical Assistance Project concluded the following:

"Separate and unequal. This is the cruel status in 1975 of most of the state courts in relation to the support shown by the Law Enforcement Assistance Administration. By and large, these courts have not received the interest, technical assistance or financial support from LEAA that are absolutely essential for sound growth and progress. In fact, since the initiation of the federal war on crime in 1968, many state courts have fallen further and further behind in their ability to relate to rising crime rates and to more sophisticated police, prosecutors, defenders and corrections personnel who have received generous federal support."

We, therefore, urge you to amend the LEAA Act so as to assure a reasonable and adequate portion of all LEAA funds, including state block grant and national scope discretionary funds, for the improvement of the courts of the states under a procedure by which political pressures on the state judges are not invited and by which the independence of state court systems and the separation of powers doctrine are guaranteed. We would also urge amendment requiring that plans and projects for the improvement of state judicial systems be developed and determined by a judicial planning entity, designated or created by the court of last resort of each state and which shall be representative of all types of courts in a state judicial system.

Every state constitution recognizes the independence and equality of the judicial branch of government *vis-a-vis* the executive and legislative branch. The Association, therefore, contends that this constitutionally protected equality requires that the state courts have the leadership role and primary responsibility for planning and utilizing federal funds to modernize and improve their operation.

The ABA has also found that courts generally have not taken initiative in planning for the utilization of funds available through the Crime Control Act of 1973 with the consequence that in many states this planning has taken place for them within the executive branch of government. It is not clear whether this lack of initiative is the result of apathy or lack of capability, but continued exercise of responsibility for court planning by an agency outside the judicial branch of government is inconsistent with the integrity and independence of the judicial branch, and has a potential for long-term deleterious effects.

In order for the courts to have the capability to do this planning and assume the initiative required, it is essential that they have funds to hire the necessary planning staff and develop the blueprint for their future structure, personnel and programs. For this reason, the Association urges you to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow for the establishment of judicial development commissions in each state.

The ABA agrees with the findings of the "Report of the Special Study Team on LEAA's Support of the State Courts", which stated that "Pragmatically, it is important that courts do their own planning because commitment to the plan is essential for implementation and permanence. Judges are unlikely to be committed to court strategies in which they have not played a principal role in developing.

"The courts in many jurisdictions lack planning, capability and, therefore, have fallen behind the other components of the criminal justice system in their participation in the federal support program. . . ."

The ABA also recognizes and recommends strongly that court planning be responsive to every level of court and every component of the judicial branch in each state. Therefore, the ABA has left the decision of selection and appointment in the hands of the "court of last resort," but has provided that the appointments give reasonable representation to local as well as state trial and appellate courts. Local courts must have access to the professional planning capabilities serving the state judicial system as a whole so that the needs of the rural court, the non-metropolitan court, the police court operating in a remote area of the state, the small and municipal court, etc., can be articulated in the same vein as those of large

courts operating in primary population centers which usually have easier access to professional planning systems.

The court system in every state, regardless of its quality or cohesiveness, cannot exist in a vacuum. There must exist a free exchange of ideas and goals with the other components of the criminal justice system. Failure to do this will, in many cases cause the goals and programs of each individual component to be divergent or in conflict with the others. In fact, this type of isolated planning perpetuates the fragmented system of justice that existed prior to the passage of the Omnibus Crime Control and Safe Streets Act of 1968.

Therefore, court planning must necessarily overlap with that conducted for the executive branch functions of police and corrections. It should also be done in concert with the planning of those executive agencies which operate in the court's community, i.e., prosecution, defense and others. This joint cooperative planning is essential to insure the optimum impact of this federal support program.

Having the state court plan developed by an independent judicial planning commission which must then submit the plan to the state planning agency allows this interaction and compatibility to take place. However, in order to protect this judicial independence, we agree that:

"Decisions regarding the substantive validity and value of programs and plans proposed by the courts and designed for the courts should be made during the internal court planning process by the court staff involved and the judicial planning commissions (JDS's). Once a decision is made by the courts to support a project or course of action, its substantive value should be presumed by the state planning agency.

"The primary role of the state planning agency therefore, should be to serve as an interdisciplinary body which can pull the criminal justice components together into a congenial planning and working relationship and scrutinize the plans of these various component parts to assure their compatibility and correlation. In performing this role, the SPA will effectively carry out its responsibility as executive branch arbiter of public policy as well as provide an essential review mechanism for the courts planning process.

"Courts planning will benefit from this review process which, in its impartiality, can promote a healthy check and balance for criminal justice system planning." (Report of the Special Study Team on LEAA Support of the State Courts, February 1975).

However, absent the creation of a more neutral forum, the court plans will probably never be given equal consideration and the long deprivation that the judicial branch has suffered at the hands of state legislators and some state planning agencies will never be redressed.

In New Jersey, the courts have one representative in the fifteen member planning agency. As Edward B. McConnell, Director of The National Center for State Courts and former New Jersey Court Administrator, told the House Judiciary Committee in May 1973, whatever a fair representation is, one out of fifteen is certainly not fair. Up until recently, the Governor of Wisconsin has appointed one judge to the state planning agency. This lone judicial appointment was made without consulting the supreme court and that court can justifiably feel that it has no representative on the board. On the local level, the chief judge of the Milwaukee County Court was not invited to serve on the Greater Milwaukee regional planning board. Nor was he invited to name a court representative. The Governor named five members; the County Executive named five; and the Mayor of Milwaukee named five. Thus, all appointments were made by three executive branch agencies.

The evidence of inadequacy of court representation throughout the country is pervasive. If the planning boards are to be "broadly representative of the criminal justice system" as the federal law requires, then judicial representation of a minimum of one-third should be required on each state planning agency and the executive committees thereof. This court representation should be appointed by the court of last resort.

The ABA recognizes that there are claims which state that a financially unified state court system is penalized for its structure under the present Act. Furthermore, the ABA is concerned by the potential for abuse if federal funds are made available to the state courts only if the courts comply with some particular organizational requirement. Therefore, we urge that the Act be amended to have specific language which would prevent this type of abuse.

The American Bar Association is in favor of an extension of the LEAA program for five more years, provided that Congress asserts itself and mandates continual Congressional oversight and evaluation of the LEAA Act and operation and makes the extension subject to Congressional change at any time.

There is very little doubt that when the LEAA works, it works beautifully. The courts, for instance, have probably done the most with the least money. For example, Chief Justice Howell Heflin of the Alabama Supreme Court has been able to obtain enough block grant funding to underwrite and complete constitutional reform that has brought Alabama Courts to the forefront of the judiciary. Meanwhile, LEAA funds are employed in a variety of judicial education projects (including some operated by the ABA) and, for the first time ever, in information systems and court management.

Still, in 1975, the courts, as strictly defined, only received 5 percent of all state block grant funds. This is a decrease from the prior year when the "courts" received 6 percent of the funds and comes in spite of the very strong report of the Special Study Team. This demonstrates the need for the changes outlined in the ABA resolution. It also explains why it is absolutely necessary for Congress to take responsibility for seeing to evaluation.

Finally, the ABA would like to see the LEAA Act contain a definition of "court" that would insure that the changes desired in the resolutions and described in these comments would benefit the "foresaken sister" of the criminal justice system.

In behalf of the American Bar Association, we thank the Subcommittee for affording us this opportunity to appear in connection with the reauthorization of the Law Enforcement Assistance Administration and we welcome any questions you might have.

LEGISLATIVE RECOMMENDATION—AMERICAN BAR ASSOCIATION

The House of Delegates of the American Bar Association, adopted the following resolution on Monday, February 16, 1976:

Resolved, That Congress is urged to amend the LEAA Act as so to assure a reasonable and adequate portion of all LEAA funds, including state block grants and national scope discretionary funds, for the improvement of the courts of the states under a procedure by which political pressures on the state judges are not invited and by which the independence of state court systems and the separation of powers doctrine are guaranteed, requiring that plans and projects for the improvement of state judicial systems be developed and determined by a judicial planning entity, designated or created by the court of last resort of each state and which shall be representative of all types of courts in a state judicial system; and be it further

Resolved, That judicial representation of a minimum of one-third be required on each state planning agency and the executive committees thereof, which judicial representatives shall be appointed by the court of last resort; and be it further

Resolved, That the LEAA Act be further amended as follows:

1. To encourage the development of long-range plans for court improvement, including the development of a multi-year comprehensive judicial improvement plan for each state;

2. To allow judicial planning entities to develop comprehensive plans without being compelled to adopt a particular organizational requirement as a condition precedent to obtaining funds. In addition, no state shall be penalized for the adoption of a particular mode of organization;

3. To provide for continuing Congressional oversight evaluation of the LEAA Act and operation;

4. To extend reauthorization of the LEAA program for five years but subject to Congressional change at any time;

5. To establish funding for the five-year period;

6. To repeal Section 301(d) of the Act, limiting the compensation of personnel;

7. To define the word "court" to mean a tribunal recognized as a part of the judicial branch of the state or of its local government units; the term "court of last resort" to mean that state court having the highest and final appellate authority of the state and in states having two such courts, the term "court of last resort" shall mean the highest appellate court which also has rule-making authority and/or administrative responsibility for the state's judicial system and the institutions of the state judicial branch; and be it further

Resolved, That the ABA is authorized to assist the Conference of Chief Justices and other judicial organizations in connection with their efforts to obtain changes in the LEAA Act similar to those outlined above, and that the President of the ABA or his designee is authorized to present these views before the United States Congress and other agencies of the government.

TESTIMONY OF JUSTICE HARRY A. SPENCER, SUPREME COURT OF NEBRASKA

Mr. SPENCER. Mr. Chairman, members of the subcommittee, it is a privilege to appear before this Subcommittee on Crime of the House of Representatives Committee on the Judiciary and to be able to present the views of the American Bar Association regarding legislation which would reauthorize and fund the Law Enforcement Assistance Administration.

And additionally to what you have said, I do happen to be the present representative of the Appellate Judges Conference in the House of Delegates of the American Bar Association.

So, it is a pleasure for me, as I said, and it is an honor to appear before you as an official spokesman for the Appellate Judges Conference, the Division of Judicial Administration of the American Bar Association, and the American Bar Association.

Now, attached to the statement which has been filed with your committee, the last two pages contain the legislative recommendation of the American Bar Association pertaining to the subject we are addressing this morning. This resolution was adopted February 16, 1976, at the midwinter meeting at Philadelphia. It is intended to point up certain deficiencies in the Law Enforcement Assistance Administration Act, as it pertains to our State court systems.

Now, this resolution was drawn in cooperation with the Conference of the Chief Justices, who, I understand, have previously appeared before your committee, and it also has the support of the Conference of Court Administrators.

Let me say at the outset that the LEAA has been a revitalizing force in the criminal justice system. Without the help provided by it, we would be in much worse shape than we are today. My criticism of the act is not directed at the act itself but only as it relates to courts as narrowly defined in the resolution we have before you.

Almost from the inception of the LEAA, a concern has been expressed by various judicial and court related organizations regarding the present structure by which support is provided to the judicial components of the State court systems. In August 1974, the Conference of Chief Justices and the Conference of State Court Administrators each issued resolutions specifically focusing upon the problems, inequities, and deficiencies of the current system of LEAA court funding. Both resolutions suggested the sources of these problems was lodged in certain structural and procedural weaknesses inherent in the LEAA Act which could only be remedied by legislative or administrative action.

I think it is now apparent that legislative action is necessary to make the needed changes in the internal structure and management of LEAA to permit the Administrator to meet the criticisms the judiciary of the country have voiced.

Now, in these remarks, I intend no criticism otherwise of the LEAA and no criticism of the present Administrator. My observation of him is that he has been intensely concerned about the problems in the criminal justice system. I do commend him for his interest and objective and attentive concern.

My primary concern is—maybe I should say our primary concern is—to seek amendments to the LEAA Act which will assure a reasonable and adequate portion of all LEAA funds, including State block grants and national scope discretionary funds for the improvements of the courts, all courts. We want this done under some procedure which would avoid political pressure on State judges and which will guarantee the maintenance of the separation of powers doctrine.

The Rodino bill, H.R. 8967, does this. I also understand that the bill introduced by Senator Kennedy, February 25, 1976, S. 3043, will also accomplish this purpose. I am assuming from previous hearings, and otherwise, that this committee is aware that the State planning agencies, as presently constituted, generally are not representatives of the courts. Appointed by the Governor, they are predominantly representatives of the executive branch of State government.

In many instances, the State planning agencies have tended to superimpose their programing concepts on the State court systems. In other instances, they tend to ignore the courts or give them a very subordinate role in the LEAA program.

The result has been that certain areas of the criminal justice system have received help which, as they became more efficient, has tended to accelerate the problems of the courts, crowding their dockets and making the task of catching up, in some instances, well nigh impossible. It is this deficiency in the operation of LEAA funding that, to me, is the weak link in its operation. Further, this has resulted in placing the State court systems and the State judges in an arena of competition with executive agencies of the State government. This includes the police, the correctional groups, the defense, and the prosecutorial groups.

Ironically, the funding for many of these groups in the past has been included in the LEAA statistical figures on court funding. And this is why a definition of courts should be included in the amendments.

This competition, as might be expected, is destructive of the doctrine of separation of powers. It tends to destroy the independence of the State judiciaries. It also fosters the exertion of political pressure on some State judges. This is a policy which could eventually erode the even-handed administration of justice.

Judges must not, in any way, be obligated to the executive branch of government.

Mr. CONYERS. Well, Justice, how does the LEAA funding coerce a State judge? Who gets coerced? If they do not get any money, they certainly are not subject to coercion.

Mr. SPENCER. That is true. But under the system of LEAA funding, they have been funding these other groups, prosecutorial, the defense, and correctional and other groups. This funding has resulted in accelerating the business in the courts, with no relief to the courts.

Now, as we see it, there are many areas where we could use some LEAA funds for certain studies which might help us to work out some improvements to meet these problems. I will give you one instance.

In my own State, unfortunately—and Nebraska is not one of these States which has had many of these problems which have been presented to you—but up until 4 years ago the judges of our supreme court, of which I was one, did not have law clerks. It is very recent—we were one, I think, of two States in the Union who were operating

without law clerks. We did get a funding grant from the LEAA to use senior law students for a year. We then got a continuation of that grant to take on recent graduates for a year.

From that experience, we were able to go in to convince our legislature that it was a question of eventually adding more judges through increasing the supreme court or by providing an intermediate court or by giving us this legal help that we needed. We now have funding for law clerks.

That was one area where the LEAA was very effective, in our State, and helped our court system, and I might say that we are——

Mr. CONYERS. Well, forgive me for being totally unsympathetic with your State legislature for keeping you without clerks for so long.

You know, this is another one of the endless examples of people bringing to us supposedly shining instances of the validity of LEAA by showing what someone else should have been doing, that they were not doing, until finally the Federal dollar came along and did it for them. And then, all of a sudden, they realized that a justice of the State court ought to have a clerk.

Now, if that is what LEAA is for, your honors, then we really have to do some rethinking about this—we did not have armor for policemen, before LEAA developed an armor; we did not know that there should be radio communication between the police in the city and the suburban police departments. And then the LEAA came along and, miraculously, with millions of dollars, was able to figure out a way to hook up the cities with the suburban police departments.

Well, now, I do not know how much of this I am going to have to listen to, but I am singularly unimpressed with all of these examples of State action, that should have been going on long before, that LEAA is getting some undeserved tribute for.

Now, the question we are faced with, gentlemen, is very simple.

The legislatures have been before us. They say that they want a part of the decisionmaking process, that the executive branch, the State Governor should not do it all. Everybody wants a category for themselves. They do not say anything about the other categories. So we are left with a big stack of categories.

And then, the Administrator and the Attorney General come in, and you know what they say? They say, you do not need any more categories, or you are going to disturb the whole theory that the program is built on.

Now, precisely, what do you advise us to do? We are going to end up here with thousands of pages of testimony. The Attorney General and the present Administrator keep saying to Congress, resist this categorization or you will destroy the whole concept of block grants which, according to GAO, all things considered, is about as good a way to handle LEAA as anyone can figure out.

Mr. SPENCER. Well, I would attempt an answer in this way.

I think your—from your political background, I could assume that you are fairly well familiar with the operation of the legislative process at the State level. It has been necessary, in many instances, particularly in our State, that we be able to demonstrate that what we are contending for not only is needed but is workable. And I would say that that is one area in which the LEAA has been helpful.

I would say further, from my observation of the LEAA programs, that there has been no question that they have considerably improved

the defense process in our criminal justice system, and they have been working in the correctional area. They have provided some fundings for studies which, in our State have resulted in the improvement of our judicial article. They have provided some funding in the past which has resulted in a new criminal act in our State, which the legislature is operating on now. And, unfortunately, there have been some areas that have not had the attention and could not get the attention of the legislature until the problem was laid out before them in black and white.

Mr. CONYERS. Well, sir, I understand your problem.

LEAA is in the nature of a fiscal relief program. Ninety-nine percent of the people that come before the committee say that they want some Federal money for some very important project.

I think the courts need more attention. Could we not extract an agreement from the Attorney General and the Administrator to give you gentlemen a larger slice of the pie, and let it go at that, rather than trying to whack out a special category for the courts?

After all, you have members of your branch on the SPA's and they are deeply involved in all of this.

Mr. SPENCER. Well, unfortunately, so far as the SPA's are concerned, now, in our State, we have no problem. Our court administrator and a couple of judges are serving on our SPA's, and they are able to point up the problems and to answer the objections that are raised.

But, unfortunately, that is not true in several of the States. And where there is a judge included, it may be someone that the Governor picked up, who may or may not be thoroughly familiar with the workings of the judicial system. And that is one of the reasons that we are particularly interested in two things.

We are particularly interested in getting judicial representation on the SPA's; we are particularly interested in having the programs, the judicial reforms, and so forth, the planning, drawn by the judiciary.

Mr. CONYERS. Well, what would you think of my attitude, if I were to suggest to you that I am concerned about the whole program which is failing to reduce crime, which is accelerating the rate of the fear of crime and which, some $4½ billion and 8 years later, has not produced much evidence of success.

Mr. SPENCER. I see your problem. From your point of view, it may even look insoluble.

I would observe, initially, that, because of LEAA, we have much better statistical information than we had 8 years ago, and, in some part, that may account for what appears now to be an increase in crime.

My conception of LEAA funding is that they should go in with funds—well, I will put it this way—they should not be expected to support the State and carry out, that is, to support the State judiciary. But they should provide funding which will permit the State judiciary to work out a program which they can then present, which may accomplish the purpose we are seeking.

Mr. CONYERS. Well, now, I am not unsympathetic with the main points of your presentation here. They are in the record. I have read them. I am going to reexamine them.

But, in view of the fact that this bill comes up only every 3 years or more before the entire Congress, and you are a very important

part of the whole system, let me ask you gentlemen what advice, what feelings you have, what should we record in this hearing in connection with your view about the nature of crime in America in 1976? And what are we, as Federal and State officials going to do about it?

Mr. SPENCER. We have a real problem. We realize that.

So far as the fact that this comes up every 3 years—3 years ago, we were presenting some of these problems to the LEAA administration, and they were going to do something about us. They told us, well, there were things they could do; but they were not done. And we are still in the same position we were in 3 years ago. So we are now in to see if it is possible to get some legislative corrections.

In this area, I cannot help but feel that more efficient courts and attacks on recidivism, keeping some of the recidivists off the streets, might be helpful in meeting some of the problems that you have suggested. But these are your own area, I would guess, your own courts are probably very much overcrowded, and in many instances have to operate on an assembly line basis, rather than administering justice as it should be administered.

I do not know what the solutions really are, but I do know that they do need some intensive study and that is what we are attempting to get accomplished.

Mr. CONYERS. I am concerned, Judges, that we begin to look at the system before the offender gets into the criminal justice part of it, before a crime has been committed. But do we not, in the criminal justice system, have some responsibility to analyze what ought to be going on in the larger society before people get caught up in our system, rather than to be looking at it from the point of a police arrest?

Mr. SPENCER. Definitely, as you say, the plea to the arrest only starts the process, but if the rest of the system cannot process that arrest expeditiously, we have defeated the ends of justice.

Mr. CONYERS. What difference does it make? If the crime rate is going up, and we are processing them faster, how does that address anything? So we throw more people in jail, at a more efficient rate, but that does not speak to the bigger problem, your honor.

Mr. SPENCER. Well, the bigger problem, I think you are suggesting, is a problem of society that is not going to be addressed solely by the criminal justice system.

Mr. CONYERS. Well, if judges and Congressmen cannot answer it, who is left? I mean, where are we to turn for the answers? People presume that members of the judiciary, who are the most honored of the legal profession, and Members of the Congress, must have some special insight. We sit in exalted positions in Government.

Now, I do not know who else to turn to. I can tell you, the Congress is bankrupt for answers, but here you are dealing with these people and the system much more intimately than any of us. You are in touch with the prosecuting attorney. You know the defense. You are looking at the defendants. You are conducting the trial. You are writing the appellate decisions. You are reviewing the State courts and their systems and corrections. You are sentencing people. For God's sake, you cannot be doing this, year in and year out, and not be thinking about the problem that I raise.

Mr. SPENCER. Well, the problem you raise is a real problem, and honestly I have no answers, and I think there are very few that come up, if any, that could come up with answers.

Our concern is that the criminal justice system work, but the criminal justice system is only getting the result of the problems created in society otherwise, and, so far as the Congress is concerned, they have the larger problem.

Mr. CONYERS. Well, suppose we suspend the LEAA until some of us get some answers together. I mean, what is the point in continuing throwing a billion dollars a year at a problem that everybody freely, from the Attorney General of the United States, to the Administrator of LEAA, to the Members of Congress, to the top offices of the criminal justice system, all say has no answer. We have got no answers but continue funding; creating categories; and we keep rolling along as the rate gets higher, as crime becomes a larger and larger problem, as people begin to question whether we are, indeed, functioning in a civilized society.

Now, what is wrong with just stopping the program, and we take a year off and we begin to examine what ought to be happening, and, start off with an objective of reducing crime.

Mr. SPENCER. My answer to that, so far as it is, is that there are problems, many problems, but I cannot help but feel personally that we would be much worse off than we are today if it had not been for the functioning of LEAA, and I do not think stopping LEAA is the answer.

Maybe our crime rate is going to continue, but, unless we do everything possible to try to meet this burden, it could get much worse than it is at the present time, and, as I say, I cannot help but feel that, if it had not been for the measures that have been taken in the past, that we would be worse off, and I do not think the answer to correcting certain deficiencies is the elimination of the program entirely, and that would be the solution that is proposed.

I think that probably a more intensive study of the functioning of the system, administratively, might be an answer. I do not think that the Federal Government—as a matter of fact, I would be opposed to the Federal Government carrying the burdens of the State.

It is my understanding that the LEAA is providing about 5 percent funding, and I expect that that funding should be used to develop or initiate programs that might help cure this situation with the responsibility of the State to carry on, but the States, burdened as they are now, taxwise, will not initiate programs to do these things that may be necessary to study this problem unless they get help from some other source, and that is the function that the LEAA has been performing and can perform, and all I am urging is that it be administered more efficiently so far as the State court systems are concerned, and I think that it would justify its existence if that were true.

So, what we are urging, judicial representation on the State planning agencies—we are urging that some judicial representatives be appointed by the court of last resort in each State.

The American Bar Association urges the reauthorization—getting to your point—of the LEAA program for 5 years, but, of course, subject to congressional change at any time.

We also urge the establishment of the necessary funding for whatever program is continued. We feel that it must be for a period of time other than a year to encourage the development of long-range plans for court improvement and to permit the development of a multiyear, comprehensive, judicial improvement plan for each State, and, if it were to be stopped, as you suggested, for a year, everything would stop, and we would lose the progress we have made, and we would start from scratch a year from now.

We are also urging that the judicial planning entities be permitted to develop comprehensive plans without being compelled to adopt any particular type of organization. That is, we do not want the State planning agencies to be able to say well, if you will do this in your court system, we will give you funds. We heartily endorse and insist that it is a must, a provision for continual congressional oversight, evaluation of the LEAA Act, as well as its operation.

Now, to avoid the misleading statements that you have heard in the past, I would say that the funding for courts, as I see them, is less than probably 5 percent. If you listen to the LEAA reports, they will say well, it runs from 17 to 25 percent.

I would say the only way to avoid these misleading statistics is to incorporate in the amendments the definition of the word, court.

Now, the Rodino bill and the Kennedy bill do define court and courts of last resort substantially as we have suggested in our proposed resolution.

I urge your favorable considerable consideration of the amendments that we have left with you. I firmly believe that it is a broad outline of—which will tend to remedy the present deficiencies in the act, not as they pertain to the country as a whole but as they pertain to our State court systems, and that is the only point to which I am really addressing myself today.

Now, on behalf of the American Bar Association, I thank this subcommittee for affording me this opportunity to appear in connection with the reauthorization of the Law Enforcement Assistance Administration, and I will welcome any further questions now or after you have listened to Judge Pennington.

I will say that Judge Pennington has made a much more thorough investigation of this whole subject than I have because he was a member of the Irving study group; the Dean Irving study group which analyzed the operation of the LEAA for the Administration.

Mr. CONYERS. Thank you very much.

Judge Pennington.

Mr. PENNINGTON. Mr. Chairman, I, too, appreciate the opportunity to appear here before this committee.

I would like to address myself, if I may, first, to your question, should we abolish LEAA because LEAA has not stopped the increase in the crime rate.

I think each of us has to place LEAA in its proper perspective. It was designed to assist, but not to run, the criminal justice system of this Nation. There are many instances in many States where quite the contrary is deemed to be true, and the States themselves have abdicated their duty to try to operate their own system and try to depend on the Federal Government.

On the one hand, they would like to say we do not want any interference from the Federal Government. On the other hand, as the lawyer always says, the hand is out for more Federal dole, and the answer to this does not lie strictly in the question of dollars and cents from the Federal Government. But it does perhaps lie in the expertise which has been able to come to the State level by virtue of the LEAA Act, and I think we could sit here for the rest of the day and cite to you specific examples of positive activity which has occurred by reason of the infusion of LEAA's presence, as well as LEAA funds.

Mr. Jim Swain, who, for example, is the head of the LEAA court section, is an extremely competent man. Tom Madden is, perhaps, as well equipped to be a general counsel of such an important agency as any man I have ever met, and these people are very sympathetic to the needs of the court.

We have found, as we toured the country, that perhaps a lot of the difficulty does not lie here in Washington. It lies in the regional offices of the LEAA, and it also lies in the State planning agencies, and this is the reason that we would like to urge the Rodino and the Kennedy changes which have been recommended in order to provide some additional control over the management of the use of LEAA.

I think we have to confess that perhaps judges are the worst of all planners. After all, the duties of a judge are to be a judge. They are judging, and the judge, essentially, is a babe in the woods when it comes to the field of grantsmanship.

I think the best example in Los Angeles, where you have more planners, full-time, paid planners, in the Los Angeles Police Department than you have superior court judges in the entire Los Angeles County system, would quickly tell you why $14 million in Federal funds flowed to the Los Angeles Police Department, and the courts there are stacked up knee deep in work.

I visited Tucson, the superior court in Tucson. It has 13 judges. Those judges are on a 365-days-a-year schedule.

Mr. CONYERS. I have never met a judge who worked 365 days in my life.

Mr. PENNINGTON. Then I would invite you to go to Tucson.

Mr. CONYERS. I might add, hastily, I have never met a Congressman who worked 365 days out of the year.

Mr. PENNINGTON. I invite you to go to Tucson, and I would point out to you——

Mr. CONYERS. At whose expense?

Mr. PENNINGTON. At the expense of the Federal Government, and I would suggest that you go today because the weather there is beautiful, and I would like to join you, and we can discuss this on the way.

I think that you have to realize that the court situation in this country is probably in a much more deplorable situation than the Federal Government would ever believe.

Starting with the facilities which are crumbling, we found that in our own State of Kentucky, by virtue of being able to obtain some funds through LEAA and making a statewide court survey, that of 86 circuit judges in those States, 10 had no telephone, 31 had no secretaries. The question that we ask at the end of the questionnaire that we posed to each judge, what could we do that would help you the most, the answer one judge gave us was that, if I did not

have to go across the street to the Gulf station to go to the bathroom during trials, I believe it would help me more than anything I could do, pretty well typifies to me the state of the State court system.

Now, LEAA has made some tremendous advances in the court system which would not have been made by these States because, in my own State of Kentucky, for example, the State budget lists, below miscellaneous, the judicial branch of the government, that is, the lowest part of the government budget, and it was one-tenth of 1 percent.

By reason of LEAA help, an infusion of their expertise, and the planning which they have allowed us to proceed with, the budget for the judicial branch of the government is tenfold, this year, what it has been in the past.

The people in the State of Kentucky have been aroused to adopt a judicial article. We will have a district court as of January 1978. All of the judges in our State will now have to be members of the bar, as they have not been in the past. We will no longer have people being tried underneath automobiles by mechanics, or in the poolroom, or paying off fines along the side of the road in cash-register justice.

You ask where is the problem. The problem, of course, is in something that you cannot legislate and we cannot cure in the courts.

The problem, of course, is a sociological one that happens in the home.

My 5-year-old son recently took six coke bottles. He went down the street, and in each driveway he would break one, and so when I posed the question to him—what would he like for me to talk to him about?—He said: "Daddy, to tell you the truth, I don't like to talk to judges about things like that." So many people do not talk to us and many people do not talk to you.

As you say, you are in an exalted position, and, perhaps, we are not seeing some of the things that are going on below us, but, let me say, we do see what is going on in the courts, and we have had more help by virtue of LEAA in the States I have visited than anything else.

If that is abolished, it only means that something else will have to take its place. If you abolish LEAA, you are going to have to establish the "EEAL" over here because the States are not equipped, by virtue of ability, to do anything about it.

For example, there is no archive in this country where I can find out what was going on in Nebraska on the question of bail bond release, but, by virtue of LEAA compiling information and having programs which are carried on, and preserving this information and sharing it with other States, the wheel is not going to have to be reinvented again, and again, and again in the court system, and the funds which are going to be saved are going to amount to a whole lot for us.

I say that one of the biggest faults in reducing crime is the fact that the courts, the condition of the courts, is such that the courts slow down the system of justice.

We have filled the hole in the police department on the one end, and that endless ship is sinking, the whole ship of justice, by not spreading the funds as they should be spread, and this is, as I see it, the purpose of the Rodino and the Kennedy bill is to equalize the

needs throughout the entire criminal justice system, and I would commend that to you, sir.

Mr. CONYERS. Well, I thank you very much.

You know, in your presentation, which I enjoyed, we are identifying several shortcomings in the system.

For example, a State that will not put telephones into a judge's chamber or provide a justice with a clerk, that is more than just a fiscal irresponsibility. That indicates and manifests a state of mind about the court system that speaks far more than the cost of the item that we have been discussing.

Somewhere along the line, you know, the American Bar Association or the judicial conferences, it would seem to me, would want to know, would want to make sure, that all of you have the benefit of the precedents of each other. That would seem fundamental to a first year law student.

Mr. PENNINGTON. I think you attribute, though, more to the ability of the American Bar Association to carry on such a program than the American Bar Association could possibly handle.

This is such a large, national problem, and I want to point out again, if I may emphasize again, that the telephones, and the secretaries, and the necessary things in the court systems have occurred in Kentucky by reason of the LEAA-funded court study which was then released to the Courier Journal, and once the news media released it to the eyes of the public, then the executive and legislative branches of the Government were very glad to take note of it, and they could not understand this oversight, and, at the present time, we have cured this ill, and, if this story is repeated, and I can assure you it has been, and I have toured the Nation as a member of the three-person special study team on the judicial amendment.

I am amazed at the improvements which have been made in the last year and a half by LEAA in the court section. I think that they have a long way to go in order to catch up with the needs, but I must blame the judges themselves, ourselves, myself, for having waited so long to rattle the chain because we have been too reticent to complain, perhaps thinking it undignified or non-judge-like, or whatever else it may be to stand up in the marketplace and say look, we have certain needs in this court. We expect our State government to take care of it. Of course, there is always the mandamus, as you know, and several other things available to the court. They could charge it, send the bill to the State treasurer, and then put him in jail if he does not pay it. That would get your name in the paper, and, unfortunately, we have to run for office, and we are not appointed for life, and so there is that to keep us from doing it, but I just cannot emphasize enough that LEAA is continuing to make great contributions in the court system, and, if we could straighten out the court system, I think you are going to see a change in the crime situation because one of the big problems, as I see it, in the crime rate increasing, is the recidivism that occurs while a man is waiting to have his trial, and, while he is running around the street, he commits three or four more felonies while he is trying to get on the court docket.

We need to do something about the court system which is being run the same way it was in 1900 across this Nation, and that applies, I am sorry to say, Mr. Chairman, to the Federal system. Although

it is claimed to be perfect, the Federal court system is in the same shape, if not worse, than the State system.

Mr. CONYERS. My final question is this. Would not LEAA funding be just as well utilized as the categorical plan that you present if LEAA was to use its influence to create a greater coordination between the various sections of the criminal justice system so that we begin to get this kind of interfacing that is so clearly missing, as your testimony points out?

Mr. SPENCER. That is what we were working on 3 years ago, and we thought that probably from the top and through the regional operation it would be possible to bring sufficient pressures on the State planning agencies to get that job done, but we found that it would not.

As soon as a block grant was given to a State, the State had no further contact, I will say, so far as the top administration of LEAA was concerned, so that I feel legislation is necessary to give the Administrator the tools to work with to get this job done.

I would agree with you that it is a problem of administration, but the Administrator is dealing with the appointments of the Governor in the various States, and he has to have some pretty solid backing so far as Congress is concerned before he might feel that he wants to take on one of the State planning agencies.

Mr. CONYERS. Gentlemen, I want to thank you for your testimony here this morning, and I hope that you will continue to help us in the examination of this part of the Government that affects us both. We are grateful for you both appearing.

Mr. SPENCER. We are grateful to you for letting us come in. Thank you.

Mr. CONYERS. Our next witnesses are Mr. Walter Smart and Mr. Robert Dye and associates.

Mr. Smart is the executive director of the National Federation of Settlements and Neighborhood Centers.

Mr. Dye is an associate executive director of the National Board of YMCA's.

We recognize that you have worked in the juvenile delinquency field gentlemen. We have your statement, which will be incorporated into the record, some 15 pages. We are grateful that you prepared it in advance, and it will now appear at this point in the record, and you may begin your discussion.

[The prepared statement of Walter Smart and Robert Dye follow:]

STATEMENT OF WALTER SMART, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, AND ROBERT DYE, ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSOCIATION, ON BEHALF OF THE NATIONAL COLLABORATION FOR YOUTH

Mr. Chairman, it is a great pleasure for us to accept your invitation to testify here today on behalf of the National Collaboration for Youth. The objective of our testimony is to explain the need to include assurances in the reauthorization of the Law Enforcement Assistance Administration that the level of financial and program support for juvenile justice and delinquency prevention under the Omnibus Crime Control and Safe Streets Act be maintained.

We hope that you and your Subcommittee will not report Section 8 (2), and 8 (3) of H.R. 9236, which would delete the requirement of "maintenance of effort" for LEAA juvenile delinquency programs from the Safe Streets Act, as amended, and from the Juvenile Justice and Delinquency Prevention Act of 1974. We want to assure you that this requirement is not a mere technicality, but is essential to

creation of a meaningful Federal government effort to reduce juvenile crime and improve the quality of the juvenile justice system.

This is particularly important as efforts in the juvenile area are viewed as essential to the reduction of crime, which we assume to be a top priority of this Committee. We quote from the 6th Annual Report of LEAA:

". . . Perhaps the area that offers the most promise for reducing crime is that of treatment and diversion programs, rather than institutionalization, for juveniles who run afoul of the law." (Page 5)

". . . If young people in trouble can be identified before their first serious encounter with the law and given the chance to participate in programs designed to promote constructive behavior, the rate of juvenile crime might be reduced significantly." (Page 41)

We are particularly pleased so testify here today due to the Collaboration's long-term commitment to fight to improve the quality of juvenile justice for young people, and to break the cycle of crime by preventing delinquency in the first instance.

The National Collaboration for Youth consists of: Boys' Clubs of America, Camp Fire Girls, Future Homemakers of America, Girl Scouts of the U.S.A., National Board of YMCA's, National Jewish Welfare Board, Boy Scouts of America, 4-H Clubs, Girls Clubs of America, National Board of YWCA's, National Federation of Settlements, and Red Cross Youth Service Programs.

In excess of 30,000,000 young people were served by the local affiliates of these organizations in 1974. These are a broad cross-section of this nation's young people from rural and urban areas from every State in the Union, from all income levels and from all ethnic, racial, religious and social backgrounds. We have the experience of working with children and youth, many of whom are poor—poor in economic resources, poor in spirit, poor in opportunity, children who are alienated, children who are troubled, and children who get into trouble.

We have the expertise of 40,000 professional staff, both men and women, who believe in the importance of their work in youth development, and who believe in the need to divert children from our outmoded juvenile justice system. This resource of competent, knowledgeable individuals with expertise in working with youth and families is a formidable system of service delivery already available and active in large and small communities, urban centers and rural areas.

We have the services of 5,000,000 volunteers—this is an unusually active resource of uncompensated people power. Voluntarism is a reality—a fundamental facet of national youth serving agencies' organization. One million volunteers serve on national and local boards and committees. This tremendous corps of local community leadership extends into every State of the Nation, providing a wide base of community support and influence.

One of the major reasons behind the formation of the National Collaboration for Youth, which is really a way for National Executives and lay leaders to work together for common goals, was a mutual anxiety about the problem of juvenile delinquency and its prevention. We were well aware that the arrest of juveniles for serious criminal acts has risen 1,600 percent in 20 years. But, as voluntary national youth-serving organizations, we were concerned both about the quality of our juvenile justice system and the lack of a voice on this issue from those organizations that have the most first-hand experience in working with our nation's youth. Our agencies, dealing daily with the delinquent and potentially delinquent youth in our society, are aware of the abuses and shortcomings of the way our communities treat juveniles.

The Collaboration came together to express its concern that children are frequently rejected by recreational, education and social service systems only to be abandoned to the streets, the courts and ultimately detention and correctional systems. Because of the urgent need to offer more opportunities to young people and to find improved methods of preventing delinquency and of handling youthful offenders, the national voluntary organizations committed themselves to strengthen their efforts and to reform youth services.

But, it was obvious from the beginning, that effective government action was essential if there was to be any hope of success. And, so we pledged our organizations to seek a partnership between the public and private sectors to help children in trouble.

One of the first efforts of the National Collaboration for Youth was to work for the comprehensive approach to the juvenile crime problem embodied in the Juvenile Justice and Delinquency Prevention Act of 1974. This Act created a new Office of Juvenile Justice and Delinquency Prevention in LEAA to coordinate

Federal delinquency programs and administer a new juvenile delinquency prevention diversion and community-based alternative program. The bill enacted the principles necessary for a new public-private cooperation in combatting delinquency.

Throughout the three year bipartisan push to pass the Juvenile Justice Act, there was considerable debate over what agency should administer the bill. LEAA, in claiming that it was the appropriate agency to administer the bill, stressed repeatedly its experience in the juvenile justice field. LEAA explicitly substantiated its commitment to the field by emphasizing the significant, if small, allocation of funds to juvenile justice from its Safe Streets appropriation. In placing the new juvenile delinquency program in LEAA, Congress recognized that this new Act would be meaningless if LEAA could simply stop using Safe Streets Act funds for juvenile justice programs.

In order to assure that LEAA maintained the level of funding of its existing juvenile delinquency programs, the Juvenile Justice Act provided in the authorization of appropriation section as follows:

Sec. 261 (b) "In addition to the funds appropriated under this section, the Administration shall maintain from other Law Enforcement Assistance Administration appropriations other than the appropriations for administration, at least the same level of financial assistance for juvenile delinquency programs assisted by the Law Enforcement Assistance Administration during fiscal year 1972."

It is this subsection—the so-called "maintenance of effort" provision, which Section 8 (2) of H.R. 9236 seeks to delete from the 1974 Act. Section 8 (3) of this House bill also seeks to delete Section 544 of that Act which contained an identical maintenance of effort provision as a conforming amendment to the Safe Streets Act.

Repeal of the maintenance of effort provision would make the passage of the landmark Juvenile Justice Act a sham because of the limited funding available for the new Act. The requirement of maintenance of juvenile justice funding under the Safe Streets Act is essential for any meaningful Federal government effort to prevent and reduce youth crime, due to the fact that Congress has had to push LEAA towards a greater commitment to juvenile justice programs, and the resistance of the Administration to adequate appropriations for the new Act.

Ever since the establishment of the Law Enforcement Assistance Administration, Congress has been pressing LEAA to provide leadership in the reduction and prevention of youth crime. Any question of LEAA's mandate in this field was finally eliminated by the 1971 and 1973 amendments to the Safe Streets Acts, which specifically authorized grants for community-based delinquency prevention; amended the declaration of purposes of the Safe Streets Act to include the reduction of delinquency; and provided for the first time that each State must include juvenile delinquency in the comprehensive State plan. Not until 1974 did LEAA establish an office to deal with delinquency. The track record of State planning agencies' programs funded by LEAA is mixed. Some States devote almost no resources to the delinquency question.

The lack of commitment to juvenile justice programs by LEAA is demonstrated by the small proportion of its funds allocated to juvenile crime measured against the proportion of crime committed by juveniles. The States, in using their LEAA State block grants, have never allocated as much as a fifth of their resources to seeking solutions to the delinquency problem in this nation. Considering the fact that youth are responsible for almost half of the serious crime in this country, and that juveniles have the highest recidivism rate, it is clear that LEAA has never devoted an adequate proportion of its appropriations to the juvenile crime problem. Congress was extremely sensitive to the need to compel LEAA to continue its juvenile justice programs at at least the 1972 level, and for this reason placed the maintenance of effort provision in the Juvenile Justice Act.

In this connection, it should be noted that at the time of the passage of the Juvenile Justice Act, LEAA stated that it had spent $140 million on juvenile delinquency programs in 1972. By the time of the 1975 oversight hearings, LEAA testified that it had actually spent only $112 million on juvenile delinquency programs in fiscal 1972. Recently, LEAA referred to the "more than $100 million" spent on these programs in 1972. It is not surprising that LEAA keeps changing its 1972 juvenile justice total because LEAA, to this day, does not have an adequate system of accounting for actual expenditures of funds. This is particularly true of State block grant funds, but LEAA also has incomplete information on how LEAA discretionary funds are spent. We do not know, for example, what it is counting as "juvenile justice expenditures" in arriving at the fiscal 1972 total.

As long as LEAA has this kind of flexibility with regard to juvenile justice funding, both in terms of dollars and definitions, it is important that the maintenance of effort provision continue as a measure of the minimum acceptable expenditure for juvenile justice.

Since the passage of the Juvenile Justice Act in 1974, LEAA's total commitment to the funding of juvenile justice programs has not increased. The National Council on Crime and Delinquency in 1975 testimony before the Subcommittee on Criminal Laws and Procedures of the Senate Judiciary Committee, expressed its concern over the "irresponsibly low ratio" (9.3%) which LEAA spent of its discretionary funds on juvenile justice programs in 1973. In spite of the fact that most adult criminals start their "careers" as juvenile delinquents, the States did little better than the Federal government in expenditures for juvenile justice. In 1975, LEAA State block grant expenditures in the juvenile justice area remained at the "grossly inadequate" level of 13.1% of available funds. LEAA's record on juvenile justice makes it clear that to leave the level of expenditures in this vital area to LEAA's discretion is to court disaster.

The need for the maintenance of effort provision is apparent in the light of the cut in the Administration's over-all request for LEAA appropriations for fiscal year 1977. In this connection, The National Collaboration for Youth wishes to support the reauthorization of the Law Enforcement Assistance Administration. We cannot take a position as to the level of funding for adult programs, but virtually all of our agencies have administered Safe Streets Act grants and can speak from experience on the value of juvenile justice programs funded under that Act. From a policy point of view, the continuance of the maintenance of effort provision is crucial to deal with the exploding youth crime crisis.

Nevertheless, given LEAA's record in the delinquency area, it is a cause for concern that the Administration's budget has proposed a decrease in LEAA's budget request to $709.9 million for fiscal year 1977. This request represents a net decrease of $102.7 million below the $810.8 million adjusted appropriation for fiscal 1976, according to Mr. Velde's testimony before the House Appropriations Subcommittee. If the maintenance of effort provision is deleted, much of the LEAA's budget cut may well come out of juvenile justice programs.

The retention of the maintenance of effort provision is also crucial due to the reluctance of the Administration to provide adequate funding for the effective implementation of the Juvenile Justice Act. For the three fiscal years covered by this Act, only $10 million (2.8%) of the $350 million total authorization has ever been requested by the Administration. It did not request appropriations for either fiscal 1975 or 1976. The Federal budget for fiscal year 1977 requests only $10 million for juvenile justice and delinquency prevention, which represents a 75% cut from Congress' funding for fiscal year 1976. The National League of Cities, and the U.S. Conference of Mayors stated in their review of theAdministration's budget, that this program was cut so severely that its "very survival is questioned."

In addition, in January, 1976, the Administration submitted a message deferring $15 million of the $40 million which Congress appropriated for fiscal year 1976 for the Juvenile Justice Act. Even though this deferral is supposed to be spent in fiscal year 1977, the deferral request jeopardizes the entire delinquency program at a time when the States are just starting to participate in the Juvenile Justice Act. Some States have even decided not to participate because of the inadequate Federal funding, and more may opt out. Given the low level of commitment to the 1974 Justice Act, its existence should not be used to decrease juvenile justice programming under the Safe Streets Act.

It must be pointed out that in the notice of Deferral of Budget Authority of the $15 million for fiscal year 1976, the justification states that, in addition to appropriations available to LEAA under the Juvenile Justice Act, the funding of juvenile delinquency programs from other LEAA grant programs must not be reduced below the fiscal year 1972 level of "more than $100 million." It would appear that the Administration is using the maintenance of effort requirement to defer funds under the Juvenile Justice Act while simultaneously trying to delete, through Section 8 of H.R. 9236 this requirement. The net result would be that funding levels of juvenile justice programs will be entirely in LEAA's discretion. Success in this combination of policies could be disastrous if not fatal to an effective LEAA juvenile justice effort, and would put the Federal role in juvenile delinquency programming back to where it was before enactment of the 1974 Act.

The overwhelming passage of the Juvenile Justice and Delinquency Prevention Act demonstrated Congress' clear recognition of the need for a coordinated comprehensive Federal response to the juvenile delinquency crisis, and that the

maintenance of effort provision was essential to such a significant Federal commitment.

The explicit mandate for Federal leadership was a key element in winning The Collaboration's belief in the importance of this legislation. Congress passed the legislation overwhelmingly—the House by a 329 to 20 vote and the Senate by an 88 to 1 vote—and the House-Senate Conference version was passed unanimously by both bodies. The Conference Report stated:

"The conferees agreed to including a provision from the Senate bill which requires LEAA to maintain its current levels of funding for juvenile delinquency programs and not to decrease it as a result of the new authorization under this Act. It is the further intention of the conferees that current levels of funding for juvenile delinquency programs in other Federal agencies not be decreased as a direct result of new funding under this Act."

Congress recognized, and it remains true today, that the maintenance of effort provision is essential to give the Juvenile Justice Act a chance for effective implementation. The League of Cities and the United States Conference of Mayors have pointed out in its 1976 study, *The Federal Budget and the Cities*, that "the Juvenile Justice and Delinquency Prevention Program should be given a fair chance to prove itself . . ." Adding the funds required by maintenance of effort and the Administration's request for fiscal year 1977 for the Juvenile Justice Act, only about 13% of the total LEAA funds would be expended for juvenile justice in 1977.

The lack of commitment to the Juvenile Justice and Delinquency Prevention Act is a tragically familiar story. In 1968, Congress passed the Juvenile Delinquency Prevention and Control Act, giving H.E.W. primary responsibility for national leadership in developing a broad spectrum of preventive and rehabilitative services to delinquency and pre-delinquent youth. H.E.W. ultimately failed to meet its broad mandate due to lack of effective administration, particular lack of support from the Department, and lack of sufficient funding. One of the reasons for placing the new Act in LEAA was to focus all juvenile justice programs in one place. But, it would be tragic to transfer the delinquency program to LEAA only to repeat the failure.

Our hopes for the LEAA program remain high for there are a number of significant differences between the LEAA program and its predecessor.

Although the program existed for a year without an Administrator, a qualified and competent juvenile justice expert, Milton Luger, has been appointed to head the Office of Juvenile Justice and Delinquency Prevention within LEAA.

The Juvenile Justice Act provides for policy control, not only of the programs under the Act, but also for the programs concerned with juvenile delinquency administered by LEAA under the Omnibus Crime Control and Safe Streets Act. Mr. Luger's appointment was a first step in telling the bureaucracy, both in the Federal and State governments, that LEAA seriously intends to carry out the mandate of the Act. But, adequate appropriations are essential for the States to take this message seriously.

The required Federal Coordinating Council on Juvenile Justice and Delinquency Prevention has been established and has undertaken the difficult task of trying to coordinate all Federal juvenile delinquency efforts.

The National Advisory Committee for Juvenile and Delinquency Prevention, a broadly representative group, including Collaboration Chairman William Bricker of the Boy's Clubs of America, is becoming advisor to LEAA on the planning, operations, and management of juvenile delinquency programs.

The National Institute for Juvenile Justice and Delinquency Prevention has commenced the research and evaluation required by the Act to make juvenile delinquency programming increasingly effective and accountable in the years ahead. The States are charged with developing the first comprehensive plans required by the Act so that the new delinquency prevention, diversion and community-based alternatives programs should be part of meaningful coordinated approach of public and private agencies at the local, State and national level.

A key premise of the Juvenile Justice Act is the recognition of the need for cooperation of the private voluntary sector because voluntary agencies have a well established delivery system unmatched by government agencies.

We fully recognize that it will require many more years of hard work to begin effective implementation of the Act. At the present time, we are only asking for assured funding to make that significant beginning possible.

The Juvenile Justice Act does not have to be extended until the end of fiscal year 1977, but the decision to retain the maintenance of effort provision in the extension of the Safe Streets Act will indicate the intent of Congress to continue to support a Federal leadership role in the juvenile justice field.

In closing, we want to address two questions which are frequently raised in relation to delinquency programs: (1) are these programs a duplication of other social programs, and (2) is further research needed before proceeding on delinquency programs? The answer to both questions is a resounding "No." In the first instance, our nation's youth have never received a fair share of social program funds due, perhaps, to the fact that they are among the most powerless members of society. The delinquent and potential delinquent population are the least protected of this powerless group because many of them are poor, female, or disproportionately from minority groups. Many are the throw-away children (the dropouts or the push-outs) who no individual or organization wishes to deal with and who are virtually voiceless in our society. These are the youth who are always at risk because they have been declared failures by every other social institution prior to involvement in the juvenile justice system.

The constituent agencies of the Collaboration have years of experience in working with youth in trouble in programs at the grass-roots level with proven effectiveness in preventing delinquency. They know that more research is not needed before creating more services to prevent delinquent behavior by these young people.

While we can all benefit from knowledge gained from evaluation, we want it clearly on the record that more than enough is known to proceed with the prevention and treatment programs funded through the Safe Streets Act. There is no need for more models or further studies before action. There is a need for a lasting Federal commitment to provide the leadership, knowledge, and resources necessary for desperately needed operational programs. The Collaboration is committed to working with LEAA to form a partnership between private voluntary agencies and the government so that these agencies can use their expertise to establish the operational programs necessary to reach hard-to-reach young people.

The National Collaboration for Youth is also committed to providing a voice at the national level for experienced youth-serving agencies and their constituents, the youth themselves, in the fight for justice for juveniles this year, next year, and for years to come.

This year the Collaboration recognizes that the battle that must be won on behalf of youth at the Federal level is the battle to prevent the repeal of the maintenance of effort provision in the extension of LEAA. We strongly urge this Subcommittee not to delete this provision so vitally important to young people, and indeed to all people of this nation.

Thank you, Mr. Chairman.

TESTIMONY OF WALTER SMART, EXECUTIVE DIRECTOR, NATIONAL FEDERATION OF SETTLEMENTS AND NEIGHBORHOOD CENTERS, AND ROBERT DYE, ASSOCIATE EXECUTIVE DIRECTOR, NATIONAL BOARD OF YOUNG MEN'S CHRISTIAN ASSOCIATION

Mr. SMART. Thank you, Mr. Chairman.

My name is Walter Smart, executive director of the National Federation of Settlements and Neighborhood Centers.

We appreciate the opportunity to appear before you this morning. We recognize that your committee is not concerned with the Juvenile Justice and Delinquency Prevention Act of 1974, but we will mention it in part of our testimony for further understanding of the position which we take.

Mr. CONYERS. Well, we are concerned. We may not have direct jurisdiction over that legislation, but this subcommittee is very sympathetic to its relationship to LEAA and the entire subject matter of crime.

Mr. SMART. Good; we hope that you and your subcommittee will not report section 8(2) and 8(3) of H.R. 9236, which would delete requirements of maintenance of effort for LEAA juvenile justice programs from the Safe Streets Act, as amended, and from the Juvenile Justice and Delinquency Prevention Act of 1974.

We want to assure you that this requirement is not a mere technicality, but is essential to creation of a meaningful Federal Government effort to reduce juvenile crime and to improve the quality of the juvenile justice system.

We are particularly pleased to testify here today due to the Collaboration's long-term commitment to improve the quality of juvenile justice for young people and to break the cycle of crime by preventing delinquency in the first instance.

The National Collaboration for Youth consists of Boys' Clubs of America, the Camp Fire Girls, Future Homemakers of America, Girl Scouts of the U.S.A., National Board of YMCAs, National Jewish Welfare Board, 4–H Clubs, Girls Clubs of America, National Board of YWCAs, the National Federation of Settlements and Neighborhood Centers, and Red Cross youth service programs.

Now, our basic point is that this collaboration has come together with a strong feeling about the need for national leadership and focus on the issue of juvenile justice and juvenile crime.

Since the passage of the landmark act of 1974, less than 2.8 percent of the $350 million total authorization has ever been requested by the administration for juvenile justice and delinquency prevention.

In fiscal 1975, we received reprogramed funds from the Safe Streets Act of $25 million, and in fiscal 1976 and fiscal 1977, the administration requested no funds in 1976 and only $10 million in fiscal 1977.

The repeal of the maintenance of effort provision would make the passage of the landmark Juvenile Justice Act a sham because of the limited funding now available under that act.

The administration's representatives have sought to show that this is a mere technicality because of the existence of the Juvenile Justice Act which the administration has never sought to fund, as I pointed out, except in 1977, by a mere $10 million.

Even if that act were fully funded, we would believe that the maintenance of effort provisions would still be important.

As you know, serious crime is now being committed, I think 50 percent of it, by youth under 18 years of age, and the amount of attention and effort this age group is receiving, we believe, is deplorable.

Mr. DYE. Mr. Chairman, I think the dilemma that our country faces is that, once we have built up a large system of, and a philosophy of, incarceration and punishment, and set up institutions to handle young people that get into trouble, we find ourselves in the position of, even though we advocate reform, even though everyone will say that it is much more appropriate to deter young people from a life of crime at the outset, instead of worrying about young people once they get incarcerated, and then build the institution and a system to keep him there, even though we say that, once we build these large institutions and staff them, then it is awfully hard to find the new developmental dollars to start turning the corner and start some innovation which will get to young people's needs at the very outset.

This 12-organization collaboration, of which Mr. Smart spoke, and the 16-organization collaboration that was a result of a new act having been passed, which is, in effect, a program collaboration—16 organizations have banded together and have said it is time we put aside our local autonomies and put aside our local interests and start collaborating in some chosen communities to indicate that, indeed, we do need alternatives.

We do need to turn some of our resources toward providing these alternatives. We have to plan in a comprehensive way. We have to program and integrate these new options to demonstrate in fact that it is possible—hopefully, it is possible—to help catch young people at the outset.

Mr. CONYERS. Now, this collaboration you referred to—is this metropolitan, State, or national?

Mr. DYE. This is a national collaboration of national youth organizations, which include the 12 that Mr. Smart just mentioned, and also add to that the National Council of Jewish Women, the Child Welfare League, the Junior League, the NCCD, the Travelers' Aid, those organizations that now feel that their resources must go into youth delinquency prevention.

These 16 are now committed, and, in fact, have been funded by one LEAA grant to work in 5 demonstration communities on alternative programs.

My point in all this is that now that the commitment is finally being made by these kinds of organizations, it would be futile to come to the end of our planning efforts and find that there is simply no money to get these programs started.

Mr. CONYERS. Well, that is exactly the point that you are at.

Mr. DYE. We recognize that, but the lack of funding for the new act, the fact the administration has called for no funds, the Congress has funded the new act at about 30 percent of what has been called for—the fact that there are almost no funds means that our continued job is to advocate for the proper funding of this new act but in the interim, to certainly reserve that part of LEAA funds that in the past have gone toward juveniles, and, if the $112 million, the maintenance of effort is removed from that, then I think we might as well close up shop because there will be no priority and no interest in really working at juvenile crime.

Mr. CONYERS. What is this new constellation of organizations going to do? I mean, have they developed a strategy?

Mr. DYE. The first 6 months of the constellation was really to get our own heads together to make new commitments, to engender the kind of trust, and the kind of commitment, and the kind of need to work in a collaborative style in the future that we have not done in the past. Along came the first series of grants for deinstitutionalization of status offenders. LEAA has chosen to fund 11 communities and create new systems that will keep status offenders out of institutions or remove them from institutions within 2 years.

The collaboration will work within 5 of those 11 communities and work side by side with the local grantee to put together the new kinds of programs that are needed, whether they be job programs or school programs, or residential programs, or whatever the need is to, in fact, produce the new system.

Mr. CONYERS. Where are the juvenile court judges and the officers of the court that work with young people? These are all organizations unconnected with the juvenile criminal process.

Mr. DYE. The juvenile court judge, the school superintendent, the chief of police are key people who will be worked with in these five demonstration areas as we get to them.

We have just come back from Tucson, and have worked with Judge Collins and that group of judges down there who have expressed complete commitment to this kind of work.

At the national level, we have started with these national organizations that have been part of this initial collaboration.

Mr. CONYERS. Is that the same place where the judges work 365 days a year?

Mr. DYE. It appears to be.

But the point you made is a good point that, although the national collaboration at the moment is a capacity-building collaboration, we at the national level can work with our local units to provide the kind of resource that the new programs will need.

At the local level, there is a mandated effort to include the courts and the police in the local planning that takes place.

Of course, having this kind of a collaboration is terribly important because of the fallout. We have millions of volunteers involved in our programs in these volunteer organizations across the country. We have thousands of board members who are key community people in the organizations, and we think to provide the kind of education, the kind of elucidation that will focus on this terribly important program will be built into all the kinds of things we start doing. But, again, if we remove such requirements as maintenance of effort from LEAA, if we cut down the funding of the new act, we really will not get very far.

We find that in some of our programs that have been going on—and we have studied the evaluations of some of them in programs like Baltimore and four or five other cities—that very important things are happening that require the kind of startup funds from LEAA and others that will allow these programs to start.

Evaluations are tremendously promising as we look at them.

Mr. CONYERS. Do you know Judge James Lincoln, of the Wayne County Juvenile Court in Detroit, Mich.——

Mr. DYE. No, I do not; not personally, no.

Mr. CONYERS. You know, that is why I am giving some friendly, unnecessary advice.

I just wonder if you are not making a mistake by not including the court personnel and educators, from the beginning, in this collaboration to keep it broad in its composition.

Mr. SMART. On each of the local areas, the collaboration does include the people of whom you speak. While I do not know the judge you speak of, the Settlement in Detroit would know him very well and would be working cooperatively with him.

Mr. DYE. There have been judges who have been working very closely with us in this effort—Judge Kannell, from Akron, Ohio, who has been on our National Juvenile Advisory Task Force, and Judge Lindsay Arthur, of Minneapolis, who has been very close to us.

The Juvenile Court Judges Association last year was a part of our collaboration that testified in support of the act so we have been very closely identified. I think it was a matter of strategy at the outset, realizing that we needed to start with 14 rather disparate youth organizations and really get ourselves together before we involved too many of the public sector, but at the local level their participation is going to be terribly important.

Mr. CONYERS. Well, I am sympathetic to first keeping in the provision in the LEAA Act that you suggest.

I feel inclined that there is such poor accountability within LEAA that they do not really know how much they have spent in terms of the juvenile effort, and I do think more has to be done about it.

Mr. DYE. Mr. Chairman, some of our evaluations to date have been very promising.

We have a facility in Baltimore, Md., our residential treatment center, which handles some 27 to 30 youths. These are not youth creamed off the top but direct referrals from the courts.

There is a mandate that once youngsters come into the program they have to either get involved in employment or a school and so there is that initial kind of expectancy.

The program was started by LEAA startup funds, but now the program has continued services with funding from the juveniles service in the State of Maryland. About $600 per youth comes from that department, so about $7,200 a year is going into that program, as contrasted with a State cost for institutionalized youth of something like $17,000 a year per youth.

I think the important thing is that the recidivism rate over the last couple of years has been about 18 percent, as compared with the national average which has been above 70 percent rate of recidivism. But the critical need in Baltimore is that the $7,200 really is kind of a minimum amount which goes toward custodial care, you know, the housing and the food, and so forth. And they really need some additional staffing of the kind that can work with this kind of youngster. They have been looking to LEAA for that kind of supplemental help. The statistics there are very good.

The National YMCA Urban Village, similar kind of statistics; only about 25 percent of the youngsters in this program have reentered the juvenile justice system, as against the national average of more than 70 percent.

There is a national project that has statistics that are tremendously encouraging. Over 4 years, LEAA has put some $2,300,000 into a national program working with 75 percent kids referred from the courts. One of our international corporations has also put in about $3 million. So about $5 million has gone in from a corporation and LEAA toward a program that, over 4 years, has handled some 35,000 youth, 75 percent of them court referrals.

Mr. CONYERS. Let me get to a question on that. I ask you to come out from beyond your organizational capacity. How do you assess the problem of the burgeoning juvenile delinquency in this country, and why is it that we are failing so demonstrably in this area? Could either of you give me your views on that?

Mr. SMART. Yes, I have some very strong views on the subject, and my view, essentially, is the growing failure of so many of our institutions to be concerned with a certain sector of our society, notably, people who live within center cities. When we have our school system which will graduate 75 or 80 percent of its students as functional illiterates, with no skills, and no ability to read, we are asking for the problem. When we deny them the opportunity for worthwhile employment—for example, our collaboration is very much concerned with youth employment.

We have noted in the past that every year, there is a program for summer employment, a program that is announced sometime during the summer, when all the agencies that might have done some kind of effective planning are given about 3 days in which to pull a program together and to get the youth employed. Generally, that is a sham.

The youth who should be given a viable work experience go through real hassles every year, believing that this government is more concerned about what damage youth might do to other people's property. Therefore, this is the reason why we hope to achieve improved funding for that effort.

We know that in many of our major cities, the neighborhood is allowed to rot, with no hope, no expectation of what is going to be made available to those communities. There is no hope; there is despair. In those neighborhoods where the only model to look up to, in terms of success, will be the neighborhood pimp or the numbers writer, we are asking for trouble.

Mr. CONYERS. How come more people do not see this? You know the polls tell us that people are for law and order, for mandatory, sentencing. I have not come across any studies that indicate that people want to give more consideration to the juvenile delinquency problem as you have described it. Always the implication arises that we have too much invested, and somehow, we must cut back and deal more in terms of the punishment and corrections. Anticipating potential problems is too hard. Punishment gives your legislature an excellent way out because then they can rationalize what is reported as the prevailing national sentiment. Rather than increase juvenile delinquency funding, they say, in the interests of fiscal economy and fighting inflation, balancing the budget, you can fill in the slot—whatever phrase is more appropriate—in that interest, we are not going to deal with these kinds of problems.

What accounts for that disparity of views?

Mr. DYE. I think you have got a situation of building up a system which is largely dependent on the institutions, and jails, and punishment modalities for 100 years, and so you have built up an expectation in our population and you have built up an advocacy for this kind of treatment that is difficult to turn around.

I think the youth organizations are now trying to reeducate so that people will realize what happens when you take a youngster in his or her formative age and throw him or her into an institution, or what happens to a youngster when you label that person at 12 or 13 years of age as a bad kid. He will certainly live up to your expectations.

We simply have to turn around some of our feelings about how to work with people, and we simply have to find some of the dollars that have traditionally gone into institutions and make them available to the new programs. It is awfully hard to turn around, because so many different things have to happen. People have to be educated, then they have to be willing to release these dollars, and then organizations have to be willing to provide new programs. And it does not all happen at once. But it has got to start happening.

Mr. CONYERS. Do you see any indication that more people are beginning to understand the considerations that you speak of?

Mr. SMART. Well, there is a beginning understanding, and I think a lot more is going to come about through the collaboration of the

agencies that we mentioned, of the thousands and thousands of volunteers.

You know, it is a human thing, Congressman, for humans not to want to accept blame for problems in our society. We would like to believe that if there are problems, it is somebody else's fault, and there is no interrelationship between them—the ethic that I have made it and, therefore, everybody else can make it.

And our communications system simply does not help in the public's eye to understand the problems that people, real human problems, that people are having.

Youth, of course, do not vote, and they have not been able to express themselves, but they are the ones who have been denied any kind of real opportunity for effective growth and development.

Mr. CONYERS. I want to thank you all. I consider juvenile delinquency a serious problem, and I would appreciate any further communication which we may have.

The subcommittee stands adjourned until Thursday morning, 10 a.m.

[Whereupon, at 11:15 a.m., the subcommittee adjourned, to reconvene again at 10 a.m. the following Thursday.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 11, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME
OF THE COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to adjournment, at 8:40 a.m., in room 2237, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Mann, McClory, and Ashbrook.

Also present: Representatives Rodino and Sarbanes.

Staff present: Leslie Freed, counsel, and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

We will continue the hearings on the reorganization of the Law Enforcement Assistance Administration program, a program which 8 years and $4.4 billion later has raised some questions in our minds.

The first question that has been raised by many of the witnesses before this subcommittee is whether LEAA has been worthwhile in terms of the way the Federal Government has addressed the problem of crime.

We have been asked to inquire into whether there has been established a managing mechanism which would facilitate State and local units in establishing criminal justice planning systems.

And then, of course, we want to examine the effectiveness of the distribution of moneys to the States and localities through fund projects.

In this connection, we are very pleased to have with us as our lead-off witnesses this morning representatives from the National Urban League, an organization with which both of the members of the subcommittee now present have long been familiar.

Ronald Brown, the director of the Washington Bureau of the National Urban League, has testified before Congress many times and before the Judiciary Committee on at least several occasions.

In addition to his responsibilities with the National Urban League, Mr. Brown has served on the National Advisory Commission on Criminal Justice Standards and Goals, on the board membership of the American Civil Liberties Union, Legal Action Center of the City of New York, the Resource Center for Consumers of Legal Services, and the Center for Criminal Justice, Marquette University Law School. Mr. Brown is a founder and serves as chairman of the National Alliance for Safer Cities.

We are also pleased to welcome with him the associate director for the administration of justice in the Urban League, Mr. Robert L. Woodson.

Together they have prepared a detailed statement, which is in the hands of the subcommittee. Without objection, it will be made a part of the record at this point, and that will free you to begin your discussion. Welcome before the subcommittee.

TESTIMONY OF RONALD BROWN, DIRECTOR, NATIONAL URBAN LEAGUE

Mr. BROWN. Thank you very much, Mr. Chairman, for that most gracious introduction. It is a pleasure for us to appear before the subcommittee this morning on an issue that has been of great concern to the National Urban League and the minority community generally for many years.

We welcome this opportunity to express the National Urban League's concern about the Law Enforcement Assistance Administration.

I might indicate in starting that we will be, in our oral testimony this morning, summarizing the basic thrust of the written statement that you have before you. The thrust of our testimony today will be to emphasize and encourage you to recognize the enormous potential for community involvement, especially minority community involvement in crime control and prevention.

Specifically the league's position is that as this subcommittee amends the Crime Control Act of 1973, it should recognize that community involvement is a mandatory and substantial part of the LEAA activity.

The war on crime has been one of the few battles in our history in which the black community has not been enlisted. Some years ago, the Administration prematurely declared a victory in that war but, then and now, on urban fronts throughout the country thousands of poor and black people continue to be disproportionately victimized by crime. The lack of black participation in the crime fight has created the false impression that the black community condones crime and protects criminals. Crime prevention, however, is a very high priority in the black community, as those of us who are of and in it know.

As the level of crime and fear increases in communities throughout the Nation, minority group organizations have exercised leadership and focused much of their energy on direct involvement in combating crime. And I might indicate that in the case of the Urban League this activity took place long before it was fashionable for black organizations to get involved in this fight, at a time when criticism was raised against those who had the kind of courage to step forward and speak out on the issue.

Enlightened officials in the law enforcement field have long recognized the importance of active citizen support in crime prevention. Yet, attempts to officially introduce the community perspective into the criminal justice system have met with indifference, limited support and, on occasion, open resistance.

The LEAA, as a primary vehicle for innovation, reform, and progress in the criminal justice system, has failed to recognize or support minority citizen involvement in the crime fight.

I might add here, Mr. Chairman, this failure on the part of LEAA has been in the face of continuous consultations, an opportunity,

I think, to be heard, not as much as we would like to be, to express our views, and the views of many other members of the minority community to the LEAA; I don't think it is a question of lack of information or not knowing what the problem is, that has been a lack of response to what we feel have been legitimate requests.

Mr. CONYERS. Do you remember the legislation that I introduced several years ago, that would furnish a community involvement component to LEAA legislation?

This whole notion that somehow we can fight crime on an exclusive, professional basis without the assistance of citizens is one that to me characterizes too much of the kind of thinking in the law enforcement field in general, and unfortunately in the LEAA specifically. I think that is one of the major problems that we have to get at. I hope that you will have some suggestions on it.

Mr. BROWN. Yes, there is no question about that. As you recall, we strongly supported the legislation you introduced, and commended you for it.

I think the troublesome thing is that all experts even recognize the fact that citizens are needed if we are to have an impact. But yet, there is great resistance when citizens come forward and offer their services of working constructively with the governmental law enforcement agencies.

Mr. MCCLORY. If the gentleman will yield. Doesn't the impetus for community involvement have to come from the community? We have had the same thing with respect to education and school integration on parental involvement in school activities. There have been massive efforts from the Office of Education, but they are virtually useless, if we don't have the initiative from the community.

I'm very familiar with that because of my own work in a number of communities, and the indifference at the community level is appalling. Without the citizenry, the community, you can't get some bureaucrat in Washington to go out and decide that the community has an interest itself.

Mr. BROWN. Well, Mr. McClory, I agree with your goal, I disagree with your conclusion. It has been our experience that there has been a strong thrust in our community involvement. The communities have tried to become involved. As we proceed with our testimony, Mr. Woodson will be pointing out a number of instances where there has been positive community involvement and community effort; and it is our conclusion that there is not acceptance, or there is not an attempt to use constructively that thrust toward community involvement. That is one of our criticisms and concerns.

The thrust of our testimony this morning is to point out these efforts, where we think they could work, and the resources available where a community has come forward.

Mr. MCCLORY. This is a block-grant program with wide latitude on the part of the States and communities.

Mr. BROWN. Yes, it is.

Mr. MCCLORY. Do you want to change that?

Mr. BROWN. No; we think it can be used much more effectively than it has been.

The Urban League has a particular interest in community participation in crime prevention because crime has had a particularly ravaging effect on the black community. According to studies on

crime victimization in 13 American cities, blacks and other minorities are four times as likely to be victimized as whites.

Low- and moderate-income families experience significantly higher rates of robbery and aggravated assault. The study also indicated that at least one-half of the crimes committed are not reported. The victims' most commonly cited reasons for not reporting a crime were that they felt "it was not worth it," or that nothing would be accomplished. This high incidence of not reporting crime provides only a small measure of citizen disenchantment and distrust of the criminal justice system.

The black community has been multiply victimized by crime. First, by the disproportionately high incidence of crimes; second, by the predominant numbers of black men and women imprisoned in a correctional system plagued with inequities and abuses; third, by the ravaging social and economic costs of crime; fourth, by the crime-induced fear and suspicion that permeates our communities; fifth, by the unwillingness of the criminal justice system to solicit and support the input of informed citizens and community organizations; and sixth, by national policies that fail to address the root causes of crime.

The facts and figures on crime in America are harsh realities for the black community, and some of these are supported in our written statement, and include the tremendous problem of black-on-black crime, which obviously the black community has to play a primary role in solving.

Youths under 19 years old commit over 40 percent of all violent crimes; about 40 percent of the State and Federal prison population is populated by blacks; the costs of crime and imprisonment depletes our communities of vitally needed manpower and economic resources.

And what of the victims of crime? Each criminal act has a tragic and often immeasurable impact on the victim, an impact that is most difficult to quantify. The dangers of criminal victimization for school-children and those working within the school system, particularly those in low income and minority communities are increasingly high.

The criminal justice system should be the Nation's first line of defense against crime. However, in minority communities citizens must balance their concerns about escalating crime against their historical experience with inequity and contradictions in the law enforcement system. The increasing numbers of poor and black people in correctional facilities appear to support the notion that wealth and race, more than the nature of guilt or character of a crime, are key determinants for who goes to jail and how long they are imprisoned.

Our experience and observations might also indicate that the allocation of police resources and the responsiveness of law enforcement officials in various communities are also measured by the race, wealth, and power of the communities served.

Minorities, who are proportionally the first victimized by crime and the most penalized for criminal activity when apprehended, are the least represented in the staffing and management of our criminal justice system.

The Law Enforcement Assistance Administration, our one national vehicle that was set up to bring about reform in the criminal justice system, has a dismal internal staffing pattern. Our review of reports obtained on LEAA employment patterns reveals that of the 184

employees at LEAA's professional, administrative, and management levels only 9 are black. In the key Office of Management and Planning, where decisions on grant priorities, policies and dispensations are made, there are no blacks in administrative or management positions.

Despite some marked advances over the last decade in law enforcement in the area of minority representation on professional staff positions, the Law Enforcement Assistance Administration and law enforcement generally remain grossly inadequate in this important area. Even LEAA's meager attempts to increase minority participation raise serious questions about the real commitment. For example, LEAA's curriculum development program allocates funds to universities and colleges for the development of substantive criminal justice curriculae. A consortium of seven predominantly white colleges and universities each received, over a 3-year period, $750,000 for their criminal justice curriculum development efforts and their coordinating office received $350,000 over the same period. This is nearly $5.7 million being awarded to this consortium over a 3-year period.

In contrast, a consortium of nine black universities and colleges was recently awarded a nominal grant of $750,000 over a 14-month period, or approximately $64,000 a year for each school in the black consortium, versus $250,000 per year for each school in the white consortium.

The need for greater recognition of black colleges as potential resources for the development of criminal justice programs is evidenced by the fact that 85 4-year black colleges and universities in the United States enroll over 40 percent of all black students, and present 70 percent of the bachelor degrees received by black graduates.

The National Urban League, through its administration of justice division, has attempted to increase the direct participation of the black community in a broad range of criminal justice activities. We have developed an extensive body of experience in administering criminal justice programs.

I would at this time like to turn the presentation over to Mr. Robert Woodson, who is director of the administration of justice division of the National Urban League. This is a job that I held about 4 or 5 years ago. Bob succeeded me in that job, and has been principally responsible for the operation and development of the Urban League's programs on criminal justice over that period of time.

Bob is going to take over in order to describe to you the kinds of activities that the Urban League is involved in, positive thrusts, in trying to achieve the kinds of goals that we need to achieve; and, let me point out, will provide some answers to Mr. McClory's question about the involvement of the communities, community groups, the examples we have seen around the country of positive community involvement, how we think this involvement could be built on, and actually incorporated into the system if we want to make it work.

Finally, Bob is going to come forth with a series of recommendations. These recommendations clearly do not go to all the changes that need to be made, but what we have attempted to do this morning is to cover the specific areas that to us are of primary concern. We are concerned, of course, with the primary operation of LEAA, with the entire formulation of the legislation. But we understand and realize that a number of other witnesses are dealing with specific issues, so that we have attempted to zero in on community involvement. Bob?

Mr. WOODSON. Thank you, Mr. Chairman.

I think it's fair to say that the Urban League would be remiss if we limited our testimony to criticism of the LEAA. We believe if you criticize, it is important to recommend creative alternatives to that which you criticize, and that is what we propose to do this morning.

The Urban League in 1970, with a grant from the city of New York's Department of Correction, conducted a correction officers' training program, training 700 raw recruits, 480 experienced correction officers and assistant deputy wardens. This demonstration project, designed to upgrade the correction officers' skills and sensitivity to inmate problems resulted in the establishment of the Nation's first training academies for correctional officers.

Secondly, the Urban League conducted in 10 cities a project that since its inception in 1973 recruited, 12,025 minorities who were counseled to pass appropriate civil service examinations in the criminal justice field, and placed 5,159 black and Spanish people in law enforcement related jobs. This project has recently produced a major documentary film on opportunities in the criminal justice field, which was narrated by Bill Cosby; and this spoke directly to the concern that we had when local units of government said they couldn't find any blacks to fill positions that were vacant. Well, the Urban League demonstrated the ability to recruit and assist these individuals.

Mr. CONYERS. Would you be willing to make this film available to the subcommittee?

Mr. WOODSON. Yes, we would, we welcome the opportunity to do so.

At the community level, the Urban League conducts a highly successful pretrial diversion program in Chester, Pa. This "community assistance project," utilizing a community-based staff which includes ex-offenders, resolves family disputes and neighborhood conflicts through arbitration. These conflicts normally account for 50 percent of all police homicides and result in the arrest and incarceration of perpetrators.

There are other examples of efforts on the part of black communities to organize to confront the menace of crime. For instance, the Woodlawn Organization in Chicago, a black community service and economic development group in Chicago's South Side, has trained and employed a neighborhood security force for nearly 8 years. A community-based crisis intervention program was established in Philadelphia. For 10 years prior to its establishment in 1975, juvenile gangs murdered an average of 30 or more people a year, nearly all of the victims were young and black. Last year the death rate dropped by half, principally because of the efforts of the crisis intervention program. There was a report in the New York Times last week.

Mr. CONYERS. Well, now, that is an interesting feature. Mr. Velde cited a project to me and then pointed out how many lives were saved as a result of it. What process leads you to make that kind of evaluation. How do you know that peoples' lives were saved?

Mr. WOODSON, Well, I happen to be from Philadelphia. Mr. Convers.

Mr. CONYERS. And you're alive.

Mr. WOODSON. That's part of the reason. But secondly, I think it's fair to say that for the first time in Philadelphia Mothers United and other people took to the street and began to work with gangs and

brought about treaties, so that some communities are now neutralized from gang activities and people are free to walk in those areas, which is something that is unheard of, even though the city of Philadelphia had spent thousands and thousands of dollars for youth service programs and the like.

Mr. CONYERS. That is an Urban League program?

Mr. WOODSON. No, it was not.

Mr. CONYERS. An LEAA funded program?

Mr. WOODSON. No, it was not an LEAA funded program.

Mr. CONYERS. Through the citizens' initiative alone?

Mr. WOODSON. Yes, that's right.

Mr. CONYERS. Well, that speaks for discontinuing LEAA and doesn't say much for the Urban League. We have a billion-dollar program, and you tell me that citizens by themselves had to go in and do what everybody else, Federal, State, and local, had not been doing.

Mr. WOODSON. What I'm saying to you, I mentioned the program that the Urban League was involved in, in Chester, Pa., and we offered technical assistance as well as resources, and gave them some directions and showed them how to evaluate their results. There is a lot of technical assistance such groups need, and many times they trust, rely on us to provide that kind of assistance.

And I think my point is, rather than the LEAA and other groups coming in and imposing programs on them, they should be an adjunct, supplemental, and get behind these community groups and find out what they need by way of assistance, and then provide assistance in this manner.

Mr. MCCLORY. Would the Chairman yield?

Mr. CONYERS. Of course.

Mr. MCCLORY. You are aware, of course, of the project of the National Institute on Law Enforcement and Criminal Justice with regard to crisis intervention studies, which was borne out by the 50-percent reduction in police deaths, which is accounted for in that study, that was conducted and financed by LEAA, with the work being carried out by the National Institute on Law Enforcement. Are you aware of that?

Mr. WOODSON. I'm aware of that.

Mr. MCCLORY. That is a related type.

Mr. WOODSON. It's very interesting, Mr. McClory, that such a program was operated in New York City and worked successfully for a number of years, but that program is no longer in existence in that city because policemen many times are not thinking of themselves as social workers, think that is not their proper role, and therefore the program had no lasting effect.

Mr. MCCLORY. Well, the purpose of the National Institute project was to demonstrate how effective a crisis intervention program can be, and to try to explain to different communities that they should adopt such a program in their area. They went around the country to demonstrate such a program.

Mr. BROWN. I think one of the problems, Mr. McClory, is the process of that demonstration. It is clear that that is one of the roles, and an important role; but I think the problem is after you demonstrate something, how do you get it then translated and transformed in other communities. That has been one of the failures.

Mr. McCLORY. You can't communicate it by sending out a paper, but they in turn had regional seminars that explained the value of it.

Mr. BROWN. If we could go back for just a moment to the very valid question the chairman rasied, and that has to do with evaluating the effectiveness of programs, what does the data mean, how can you say that because something was cut in half, that you lose the program.

Mr. McCLORY. That's another area.

Mr. BROWN. That's one of the principal problems of evaluation, and one of the main criticisms that the National Urban League and many other groups have about LEAA operations, how to evaluate programs.

Mr. McCLORY. Shouldn't that also be one of the functions of the National Institute, would you consider it as that?

Mr. BROWN. Well, it might be the function to be involved in the process. It seems to me, though, if you are going to evaluate a program that is supposedly going to be a community based program that you hope will be effective in the community, then a community based organization that is in and of that community should play some role in the evaluation. I'm talking about an organization that has credibility, that has demonstrated it can be accountable; and it seems to me one of the big failures with a lot of analysis is, it is just analyzing data, which is not enough.

It seems to me that in order to do the kind of effective evaluation that the chairman suggested, you would have to know what other resources are available to the community; what other factors are going on in that community, what considerations, what other kinds of things might aid in reducing those rates. It seems to me that is difficult to know from the outside, it is difficult to know that just from a list of figures.

And one of the things we have been encouraging for a long time is to get some of these community-based groups to get involved in programs of that sort, and get integrally involved in the evaluation process, so we can for the first time really determine what has worked, and what hasn't.

Mr. McCLORY. That has to be done on a national basis if it is going to be disseminated.

Mr. WOODSON. There are national organizations, minority organizations such as the Urban League and others that have the capacity to conduct these evaluations as well. As of this date we have been excluded from evaluations. In fact, in the closing statement of my testimony I give some support to the fact that most, if not all of the research evaluations being conducted in this country by law enforcement agencies are done by noncommunity based organizations.

Mr. McCLORY. You have to have some Federal depository for that information and its dissemination.

Mr. BROWN. A repository, yes, sir.

Mr. McCLORY. And the National Institute on Law Enforcement can have its role augmented.

Mr. WOODSON. If I may continue. The preceding examples, and there are others listed in the contents of the testimony that we have for the record, the preceding examples of positive citizen/community involvement in crime prevention provide only a modest indication of the success potential and diverse models that community participation in the criminal justice system offers.

LEAA support of community-based and community-run crime prevention initiatives has been halting and piecemeal. In introducing the Community Crime Prevention Act of 1973, Mr. Chairman, your legislation that was not acted upon by the Congress, you noted that only 2 percent of the LEAA action funds were allocated by the States for community involvement programs. In fiscal year 1975, there was only a modest improvement in support of community initiatives. Indeed, we even question LEAA's definition of community initiative funding. Since fiscal year 1971, over $26 million has been allocated to public and private interest groups that are themselves already an integral part of the criminal justice system's operation, for example, the National District Attorneys' Association, the National Sheriffs' Association, the International Association of Chiefs of Police, the National Conference of State Criminal Justice Planning Administrators, and others. Even those organizations that have fulfilled a narrow definition of nonprofit organizations are nonminority groups, such as the Federation of Jewish Women, and the Junior Chamber of Commerce, and other groups like this, the Junior League. Some of these organizations received funds, and in addition to that a commitment from the Secretary of HEW to meet with them quarterly to review their plans. The minority community has never had this commitment, either in funds or having such an audience.

While we in no way wish to demean the valuable work of such groups, we doubt that their funding by LEAA represents a significant administration commitment to involving neighborhood based and controlled nonprofit community organizations in the planning and implementation of crime prevention programs. Further evidence of LEAA's lack of understanding and commitment or funding for crime prevention activity can be found in the sixth annual report counted among the agency's citizen initiatives, an omnibus courts improvement program; support for the National Crime Prevention Institute, and Project Turn-Around, a $1.6 million grant.

The largest portion of LEAA's discretionary grants continue to be allocated to police science, police technical research and gadgetry.

We believe that the intent of citizen initiative in crime prevention is not being met in LEAA's current community crime prevention focus. Numerous public and private consultant and technical research firms have received grants under the auspices of "community crime prevention." The involvement of these firms in technical research on victimology or assessment of crime trends and the operation of criminal justice systems has resulted in a useful body of data. However, their involvement in the planning and implementation of local crime prevention programs has been characterized by limited insight, indifference to the input and concerns of community residents and general ineptness.

I would like to highlight for you one example of our point here. One of the largest recipients of such funds, a research institute operating in a major metropolitan area, has over the last 3 years received $2 million in LEAA funds to devise community crime prevention plans of questionable merit. For example, this institute's solution to the high crime rate plaguing a local neighborhood occupied by blacks and Puerto Ricans involved fencing in the area and putting in lights. The recommendation, accompanied by an impressive array of supportive

charts and documentation, and developed with no real input from area residents, was approved by city officials. If irate citizen reaction and protest is a measure of community involvement in crime prevention, then this project successfully involved the community. When citizens were apprised of the dubious fencing plan, they banded together in understandable opposition, and after heated debate with city officials, the plan was mercifully trashed.

Another milestone in the institute's recommendations involved changing the street traffic patterns in an effort to reduce congestion in a residential-commercial area plagued with crime. The neighborhood included a number of small retail and other commercial operations that would lose business with the change in traffic flow. In addition, area residents and merchants were not involved in the formation of this plan. The city approved this ill-devised plan, despite the vigorous protest of citizens. After all, the institute represented experts in the criminal justice field, and is the city's prime technical assistance resource.

However, citizens have documented the detrimental impact of a new traffic plan on the commercial viability of their area and have initiated a lawsuit to halt implementation of the plan.

Representatives of the criminal justice system have readily admitted that citizen participation is needed, but again, that demonstrated their insensitivity, how things were done. And in fact, when the citizens arose in protest against the plan by the research institute, they then responded by setting up local crime prevention councils, but these councils were established after the plans had been put into effect, and only in reaction to the protests of citizens.

We do not believe this is the best process whereby to gain support and citizen initiative. And there are other examples of insensitivity like this.

Mr. CONYERS. We would like to begin questioning as soon as possible.

Mr. BROWN. Well, the recommendations we are making on citizens' involvement are clearly spelled out in the remainder of the written statement. We are prepared at this time, Mr. Chairman, to entertain any questions that you have.

Mr. CONYERS. Thank you very much.

I recognize Mr. McClory.

Mr. MCCLORY. Well, Mr. Chairman, I'm impressed by the statement, and I suppose the only question I have is how we go about this kind of thing because I'm sure that mandating here in Washington a requirement to be carried out in each community around the country might not be the best decision; but I am sure a number of communities do require some outside influence in order to develop community involvement, other areas may not. That might not meet the vital ingredients in some areas.

I would certainly not want to criticize a street lighting program which was not involved with community participation because I have seen the benefit of street lighting programs myself; I think that's one way. I think that is a very complex problem, community involvement, and also the question of citizens' different problems that we have to deal with very carefully and perhaps differently in different areas.

It seems to me that while we had GAO studies to determine the wisdom of some programs, and we had some hearings, of course, and

our hearings now are to determine whether LEAA funds have been applied appropriately. And you are indicating some criticism of some projects.

The broader question we have is, shall we extend the LEAA authority, and shall we expand it, and how could we handle the kinds of questions that you raised by community involvement.

Now, I would personally feel that instead of making that a mandatory requirement with regard to the State plans, that we should indicate in our report that we recognize there is not in general sufficient community involvement, and that we should concentrate on that, particularly in the high crime areas.

Is that along the lines of what you think we should do?

Mr. BROWN. I think we would agree with most of your analysis. I don't think, Mr. McClory, we would agree with the conclusion.

I think what the analysis shows us is that without a mandate it's not going to take place. I think the record and the history is that without some strong guidance from the Federal Government, State and local governments have tended not to encourage citizen involvement and participation, and that is one of our great concerns.

I think it is our conclusion that we do not see from what we know of the history of this experience, how it gives us any confidence that something is going to take place in the future just by mentioning it in the committee report. So, we would be in favor of some mandatory requirement to assure citizen participation.

The other point, Mr. McClory, is one of perception. You indicated that your perception is that there is community indifference and community apathy as far as participation and involvement in the issue of crime prevention.

Mr. MCCLORY. I used the word "citizen," and we have some testimony about that.

Mr. BROWN. Well, we would be in disagreement with that testimony.

Mr. MCCLORY. You think the citizens in this country are really concerned about crime to the extent that they want to get involved in helping combat it?

Mr. BROWN. There is no question in my mind. And of course we are most familiar with the citizens in the black and other minority communities, and our experience on a day-to-day basis in 104 cities in this country where local urban leagues are active in the community area, is that citizens are up in arms; there is rage, there is despair; they are ready to step forward with constructive ideas, and they have done it. In our experience they have done it and have been received with certainly less than open arms, and sometimes even hostility.

Mr. MCCLORY. You think they want to do more than just buy big dogs to walk with, get double locks for their doors, and street lights?

Mr. BROWN. There are situations where they want to do that too.

Mr. MCCLORY. And they want to get handguns to arm themselves with. But beyond that, do you really think they want to get involved on the community level and get out on the streets themselves? I can't even get the people in my neighborhood to walk on the street. When I go out, I'm the only person without a dog.

Mr. BROWN. Well, sir, if you have been in many black communities in this country, particularly in the summertime, when you have overcrowded housing, you don't have any option to be out on the streets. And if that is the case, you have the kind of living situation in many minority communities which really forces people to become directly involved in what happens on their street.

I think that is one of the reasons why we have seen the stepping forth, and the real push, which admittedly is a relatively recent one, where citizens are really at the point where they want to be involved.

Mr. MCCLORY. I agree with you it's recent, and I'm glad to have your support of it because I can't help but feel that getting people out from behind locked doors and out in the streets, being willing to participate in this is vital to the solution. It seems like a simple solution, but it is kind of basic, it seems to me.

Let me ask you this, you are supporting the extension of LEAA, are you not?

Mr. BROWN. With some major changes.

Mr. MCCLORY. Changes such as you suggested.

Mr. BROWN. And a number of others.

Mr. MCCLORY. I don't think they are so major.

Mr. BROWN. Well, I indicated to you, Mr. McClory, that we just dealt with a portion of our concern, and we would be prepared at any time to come back to the committee with a series of recommendations, broad-ranging recommendations.

Mr. MCCLORY. If these amendments were not adopted, would you be opposed to the plan?

Mr. BROWN. We are seriously concerned about the continuation, with these and the other concerns that we have.

Mr. WOODSON. Mr. McClory, if the LEAA were to adopt the policies we support, that is support the efforts of minority communities to protect themselves, we would consider that a major change; that would be a major change.

Also, I would like to speak to a point Mr. Conyers raised earlier about, how do we know that the activity in Philadelphia and other areas has contributed to the reduction of crime. This is a problem. We need an opportunity to assess the impact of certain kinds of activities. We need the same kind of technical resources that the Mitre Corp., Westinghouse, and some of these other organizations possess. And we think that the Urban League and other such research and evaluation firms, we have the capacity for that, too. But, as I said earlier, we are excluded from participating. We are excluded from funding for such activities. Indeed, they are going to outside organizations that do not have community ties and do not have a record of service to that community; they don't live in the community. This is what we are concerned about.

Mr. MCCLORY. I would like you to give consideration to possibly amending the role of the National Institute as an agency which can fulfill the research evaluations and dissemination of the information that is going to be available.

Mr. BROWN. We would like the opportunity to respond specifically in writing on that subject.

Mr. MCCLORY. Mr. Chairman, I'm going to suggest that we try to arrange a further meeting in which we can discuss informally with

one or both of these gentlemen and our staff recommendations for improving and extending it.

I see our colleague, Congresswoman Jordan here, and perhaps we could excuse the witnesses and meet with them at a later date.

Mr. CONYERS. I think that's an excellent idea. My colleague from Illinois is proposing that this discussion go on with the subcommittee, we have a half-dozen witnesses remaining here today.

I would like to refer to you, the statement of the Administrator of LEAA, and I would also like to refer you to the Department of Justice's statement on employment practice where it is alleged on page 20 that the LEAA's employment of minorities is as high as any in the Department of Justice.

I think that data will be the basis of a discussion, among you and the subcommittee members, as well as the questions that my colleague of Illinois has raised.

So, on this point we will part, but not say "goodby".

Mr. BROWN. Thank you, Mr. Chairman, we appreciate the opportunity for dialog.

I would just like to say one thing, I hope you will have greater success with the Administrator of the LEAA. When we have had the opportunity to speak with him on issues, he has indicated to us that he is involved in personal litigation, he is unable to respond to our questions and concerns. So, we hope that he would be able to respond better to you than he did to us.

Mr. CONYERS. I wish I could give you a positive report on that story.

Mr. BROWN. Thank you very much.

Mr. WOODSON. Thank you very much.

[The prepared statement of Ronald Brown follows:]

STATEMENT OF RONALD H. BROWN, DIRECTOR, WASHINGTON BUREAU, NATIONAL URBAN LEAGUE, INC.

I am Ronald H. Brown, Director of the Washington Bureau, National Urban League. The National Urban League is an interracial, nonprofit, and nonpartisan community service and civil rights organization. Throughout its 65-year history, the League has been committed to the achievement of equal opportunity for all Americans. That commitment has been and continues to be carried out through a constantly expanding network of 104 affiliates located in 34 states.

We welcome this opportunity to express the National Urban League's concerns and views on providing more adequate support for minority involvement in crime control and prevention.

The "War on Crime" has been one of the few battles in our history in which the black community has not been enlisted. Some years ago, the Administration prematurely declared a victory in that war but, then and now, on urban fronts throughout the country, poor and black people sustain crime casualties by the thousands. The lack of black participation in the crime fight has created the false impression that the black community condones crime and protects criminals. Crime prevention, however, is a high priority in the black community. As the level of crime and fear increases in communities throughout the nation, minority group organizations have exercised leadership and focused much of their energy on direct involvement in combating crime.

Officials in the law enforcement field have long recognized the importance of active citizen/community support in crime prevention. Yet, attempts to officially introduce the "community perspective" into the criminal justice system have met with indifference, limited technical/funding support, and on occasion, open resistance. The Law Enforcement Assistance Administration (LEAA), as a primary vehicle for innovation, reform and progress in the criminal justice system has failed to recognize or support minority citizen involvement in the crime fight.

The Urban League has a particular interest in community participation in crime prevention—crime has had a particularly ravaging effect on the black community. The reported 17 percent increase in crime during 1974 has been doubly felt in low-income and minority communities.

According to studies on crime victimization conducted in thirteen American cities, blacks and other minorities are more than four times as likely to be victimized by crime as whites. Low and moderate income families experience significantly higher rates of robbery and aggravated assault.[1] The studies also indicated that at least one-half of all crimes committed are not reported. The victims' most commonly cited reason for not reporting a crime were that they felt "it was not worth it", or that nothing would be accomplished. This high incidence of not reporting crime provides only a small measure of citizen disenchantment and distrust of the criminal justice system.

The black community has been multiply victimized by crime. First, by the disproportionately high incidence of crimes against us; second, by the predominant numbers of black men and women imprisoned in a correctional system plagued with inequities and abuses; third, by the ravaging social and economic costs of crime; fourth, by the crime-induced fear and suspicion that permeates our communities at a time when we need healthy, vital coalescing around common issues; fifth, by the unwillingness of the criminal justice system to solicit and support the input of informed citizens and community organizations; and sixth, by national policies that fail to address the root causes of crime—poverty, unemployment, discrimination, inadequate housing, education and health care.

The facts and figures on crime in America are harsh realities for the black community:

Criminal homicide, black-on-black crime is particularly severe. Of an estimated 1,500 homicides committed in New York City in 1974, 545 of the victims were black and only 67 of these victims were slain by whites or members of other racial groups.[2]

Youth, under 19 years old, commit over 40 percent of all violent crimes and 70 percent of all property crimes in the nation. In the black community, the potential for juvenile crime is further exacerbated by the high rates of joblessness among our youth. If current trends continue, more than half of the nation's black youth will be out of work over the next 5 years.

About 40 percent of the State and Federal prison population is black. In 1973, nearly 83,000 of the 204,000 inmates in State and Federal correctional institutions were black—a disproportionately high percentage when we note that blacks constitute about 12 percent of the overall U.S. population.

The costs of crime and imprisonment depletes our communities of vitally needed manpower and economic resources. It has been estimated that every 1 million unemployed workers cost the Nation about $16 billion in lost revenues and productivity. Today, there are roughly 400,000 inmates in Federal, State, local and juvenile penal institutions. Per capita expenditures on each person ranges from $9,600 to $12,000 per year. As citizens engaged in meaningful, lawful employment this prison population could put over $7 billion back into our economy.[3] In addition, as taxpayers, we bear not only the costs of imprisonment, but also the costs of welfare and social services to which the prisoners' family and dependents are forced to turn. During the course of a year our correction institutions receive some 2.5 million persons (inmates, probationers, parolees) and an additional 5.8 million family members are affected.[4]

And what of the victims of crime? It is difficult to quantify the cost of a slain loved one, the trauma experienced by a robbery and assault victim; or the emotional disruption for a rape victim. Each case presents a tragic consequence. We can understand, for example, the toll taken on a 23-year black worker and father in Washington D.C. when he was assaulted by juveniles 2 years ago. This man, born with sight only in one eye, lost his remaining eye in the assault and was left completely blind. The crime victimization study, referred to previously, revealed that persons from families earning less than $3,000, or in the $3,000 to $7,499

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[1] *Criminal Victimization Surveys in 13 American Cities*, U.S. Department of Justice, Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, June, 1975.

[2] "Black on Black Crime: Why Do You Tolerate the Lawless?", by Roosevelt Dunning, Deputy Commissioner, New York City Police Department, from speech delivered December 7, 1975.

[3] *Prisoners in State and Federal Institutions on December 31, 1971, 72 and 73* Law Enforcement Assistance Administration, National Criminal Justice Information and Statistics Service, May, 1975.

[4] *The Problem of Prisons*, D. Greenberg, American Friends Service Committee, 1970.

range, were more apt to be crime victims. Nearly one-third of the robbers and larcenies perpetrated on these victims involved losses of between $50 and $250. A significant proportion of the crimes also led to serious injury and hospitalization of the victim.

The dangers of criminal victimization for poor and minority school children are greater. In 1975, on school property, juveniles committed 100 murders, 9,000 rapes, 12,000 armed robberies and 204,000 reported assaults on other students and teachers. In addition, school age children were responsible for more than $600 million in damage to school property. A proportionately higher number of these incidences occurred in the 104 largest school districts that service about 60 percent of the minority pupils.[5]

Ordinary crimes against business costs an estimated $16 billion a year. Minority entreprenuers, involved in local retail operations, suffer four to five times greater injury from crime than is sustained by white business in the larger business/corporate community. In 1973, the Small Business Administration estimated that losses to small firms from vandalism alone totalled $800 million annually. Black businesses, generally undercapitalized, can ill-afford the costs of extensive crime prevention and detection measures. In this period of national economic down-turn, no community, least of all black and poor communities, can afford the costs of destroyed or stolen property, slain loved-ones, personal injuries, disruption of families, imprisonment and other ills wrought by crime.

The criminal justice system should be the nation's first line of defense against crime. However, in minority communities citizens must balance their concerns about escalating crime against their historical experiences with inequity and contradictions in the law enforcement system. The predominant numbers of poor and black people in correctional facilities appears to support the notion that wealth and race, more than the nature of guilt or character of a crime, are key determinants for who goes to jail and how long they are imprisoned. Our experience and observations might also indicate that the allocation of police resources and the responsiveness of law enforcement officials are measured by the race, wealth and power of communities serviced.

Minorities who are proportionally the first victimized by crime and the most penalized for criminal activity when apprehended, are the least represented in the staffing and management of our criminal justice system. The Law Enforcement Assistance Administration, our one national vehicle for innovation and reform in the criminal justice system, has a dismal record in reflecting and enforcing equal opportunity mandates. Our review of reports obtained on LEAA employment patterns reveal that of the 184 employees at LEAA's professional, administrative and management levels (above GS–14–16), only nine are black. In the key Office of Management and Planning—where decisions on grant priorities, policies and dispensations are made—there are no blacks in administrative or management positions. A marked shift in the racial composition of LEAA's central and regional staff occurs at the lower GS levels. Of the 196 employees below GS–6 grade level, some 106 are from minority groups.[6]

LEAA, itself, recognizes the need for more black criminal justice practitioners. In 1968, the National Advisory Commission on Civil Disorders conducted a study of 28 police agencies and found that while the black population in cities surveyed was 24 percent, the median figure for black law enforcement personnel was only about 6 percent. Today, of the nearly 600,000 employees with State and local law enforcement agencies, throughout the nation only 21,000, or about 3.5 percent are black. Little more than 1 percent of the judges in the U.S. court system are black.[7] Despite some marked advances over the last decade, minority representation in professional staff levels of correctional institutions remains limited.

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[5] *Juvenile Justice Digest*, p. 8. February 13, 1976.

[6] Memorandum (Internal) LEAA, To Richard Velde, from Gerald M. Caplan, May 23, 1975.

[7] "Black Representation in the Third Branch", Beverly Blair Cook, *Black Law Journal*, Winter, 1971.

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"Combating Crime Against Small Business", 1972 NCJRS, 0900.00.007504.

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Crime and Justice, Radzinowicz, L. and Wolfgang, M. E. (eds.), Vol. I and II New York Basic Books, 1971.

LEAA's 406(e) Curriculum Development Programs allocates funds to universities and colleges for the development of substantive criminal justice curricula. A consortium of seven predominantly white colleges and universities each received, over a three year period, $750,000 for their criminal justice curriculum development efforts and their coordinating office received $350,000 over the same period. This is, nearly $5.7 million was awarded to this consortium over a three year period. In contrast, a consortium of nine black universities and colleges was recently awarded a nominal grant of $750,000 over a 14-month period—or $64,000-a-year for each of the black schools versus $250,000-per-year for the white schools in the consortium cited earlier.

The need for more intensive support of criminal justice programs in black colleges is evidenced by the fact that there are 85 four-year black colleges and universities in the United States. They enroll over 40 percent of all black students and present 70 percent of the bachelor degrees received by black graduates. Further, according to reports by the American Council on Education, the number of blacks enrolled in white institutions has been steadily declining since 1970.

The Law Enforcement Education Program (LEEP) provides financial support to colleges for the education of persons employed by police, courts, correction facilities and other criminal justice agencies. LEEP assistance provides an opportunity for men and women working in criminal justice fields to improve their professional competence and upgrade their general performance. Students preparing for criminal justice careers may also take advantage of the program. LEEP's emphasis on in-service training is intense.

Given the well-documented need for accelerated recruitment of black personnel into criminal justice professions; and given the fact that predominantly black colleges and universities are generally clustered in Southeast and Southwest sections of the country—where the size of the law enforcement labor force is generally smaller, we question LEAA's apparent emphasis on inservice rather than pre-service training and education programs.

An intensified pre-service training effort would allow for greater participation by minority colleges and universities and would strengthen LEAA's wanning affirmative action initiatives in education.

The National Urban League, through its Administration of Justice Division, has attempted to increase the direct participation of the black community in a broad range of criminal justice activities. We have developed an extensive body of experience in administering criminal justice programs. In 1970, with a grant from New York City's Department of Corrections, the Urban League conducted a correction officers training program—training 700 raw recruits, 480 experienced correction officers and assistant deputy wardens. This demonstration project, designed to upgrade the correction officers' skills and sensitivity to inmate problems, resulted in the establishment of the nation's first training academies for correctional officers.

In cooperation with the Law Enforcement Assistance Administration, the National Urban League conducts a Law Enforcement Minority Manpower Project. Operating in 10 cities, the project has, since its inception in 1973, recruited 12,025 minorities who were counselled to pass appropriate civil service examinations in the criminal justice field; and placed 5,159 black and Hispanic people in law enforcement and related jobs. This project has recently produced a major documentary film on opportunities in the criminal justice field.

At the community level, the Urban League conducts a highly successful pre-trial diversion program in Chester, Pennsylvania. This "Community Assistance Project", utilizing a community based staff which includes ex-offenders, resolves family disputes and neighborhood conflicts through arbitration. These conflicts normally account for 50% of all police homicides and result in the arrest and incarceration of perpetrators.

The trend toward increased citizen involvement in crime prevention is especially marked in poor urban neighborhoods with high crime rates. However, many public and private nonprofit community organizations lack the funds to establish an ongoing institutional capacity to alert citizens to crime trends, mobilize residents to watch and report criminal activity, improve police-community communications and responsiveness and deploy aid to victims. Poor and black communities across the country realize the attention to the immediate problem of fear and crime in their neighborhoods need not obviate or lessen efforts to combat the root economic and social causes of crime.

The National Urban League is greatly encouraged by the crime prevention activities of national organizations such as the National Center for Urban Ethnic Affairs, the Center for Community Change, their local affiliates and other com-

munity-based groups. A number of significant models for community action and involvement have emerged:

The Woodlawn Organization (TWO), a black community service and economic development group in Chicago's South Side section has trained and employed a neighborhood security force for nearly eight years. This 18-man force is employed to guard TWO's economic development and business interests. These include a major housing development (Jackson Park Terrace), a 504-unit housing project (Woodlawn Gardens), a shopping plaza and supermarket. In addition, the organization last year initiated a block watchers project in which local residents reported suspicious activities to the police. Ad Hoc escort services for the elderly have also been provided.

BUILD, a black community-based, nonprofit service organization in Buffalo, New York operates a halfway house for ex-offenders; issues periodic community alerts on crime—flyers designed to illicit community cooperation in providing evidence and information to local police investigations; participated in an in-depth study of discrimination in Buffalo's jury selection process; participated in negotiations during the Attica prison revolt; conducted a police precinct and court monitoring effort, using resident volunteers; conducts ad hoc counseling services for victims of crime and a referral-advocacy service in cases of alleged police brutality.

For 10 years prior to 1975, juvenile gangs in Philadelphia, Pennsylvania murdered an average of 30 or more people a year. Nearly all of the victims were young and black. Last year, that death rate dropped by half, principally the result of efforts by a community-based Crisis Intervention program—a program run largely by former gang members.

The East Los Angeles Community Union (TELACU), an alliance of 11 predominantly Chicano international unions and twelve independent community groups, has been highly successful in curbing gang violence within a local housing project. The Casa Marvilla organization (a member of TELACU) operates a gang dispersion program which provides family crisis intervention and counseling for gang members; involves the youth in the development and construction of a new 504-unit housing project that will replace the current, delapidated public housing. In addition, TELACU played a key role in developing a HUD-operated Tenant Security Patrol. This service, established in 1971, is staffed by young men who reside in the housing projects or surrounding neighborhoods. Since the initiation of the Tenant Security Patrol, there has been an appreciable decline in criminal activity (burglaries, assaults, violent disputes) within the projects.

In New Haven, Conn., SAND, a community organization, employs and involves a 200-member juvenile gang in constructive community services—rehabilitation of houses, support services for the elderly, community organizing, job training and other worthwhile efforts.

Two years ago in Chicago, a core group of 40 women built the Coalition of Concerned Women in the War on Crime. They established a program called "Operation Dialog" in which neighborhood residents, churches, local police met in small groups to express their concerns and ideas on resolving the problem of crime in Chicago. The group, now has some 1,500 members and, in cooperation with the police, has distributed information on neighborhood crime trends and patterns; aggressively challenged discrimination in the police department; and assisted block clubs in formulating crime prevention strategies.

A variety of citizen-based crime prevention models have been developed in New York City. An estimated 6,000 volunteers are involved in child safety patrols throughout the city. Police have reported a marked reduction in street crimes during the hours of these parent patrols. . . . More than 3,000 taxis are equipped with two-way radio connections to a base station and New York City radio police dispatcher. This program, using individual drivers, provides an added measure of self-protection for the drivers and provides citizens with additional eyes and ears against criminal activities on the streets.

The Block Association of West Philadelphia adopted intensive crime prevention strategies that include: use of piercing freon horns by volunteer-neighborhood patrolers; help and counseling for victims; assistance to ex-convicts; and the organization of youth social functions. At least 25 block groups belong to the association. In the 4 years of the program's operation, crime in the neighborhoods involved has been reduced, the decline in property values has been reversed and the neighborhoods have shown much greater stability.

A major critique of the Law Enforcement Assistance Administration's programs (1969 to 1972), entitled "Law and Disorder" was prepared by the Lawyers Com-

mittee for Civil Rights Under Law. This highly informative and critical report was financed by the National Urban Coalition and Field Foundation.

The preceding examples of positive citizen/community involvement in crime prevention provide only a modest indication of the success potential and diverse models that community participation in the criminal justice system offers. In 1974, Donald E. Santarelli, former Administrator of LEAA observed that:

"It is time for us to carry out the will of the Congress through the LEAA program, to become the spokesmen and advocates of the people—to make certain that their interests are a primary factor in all we do. The criminal justice system, in working to achieve the goal of crime reduction, must make citizen interests and citizen participation and integral part of its operation. . . ."

That mandate has yet to be met. LEAA support of community-based and community-run crime prevention initiatives has been halting and piecemeal. In introducing the Community Crime Prevention Act of 1973, Mr. Chairman, you noted that only about 2 percent of the LEAA action funds were allocated by the states for community involvement programs. In fiscal year 1975, there was only a modest improvement in support of community initiatives. Indeed, we question LEAA's definition of community initiative funding. Since fiscal year 1971, over $26 million has been allocated to public and private interest groups that are, themselves, already an integral part of the criminal justice system's operation—for example, the National District Attorneys Association, the National Sheriffs Association, the International Association of Chiefs of Police, the National Conference of State Criminal Justice Planning Administrators. LEAA officials have cited support of such groups as proof positive of its commitment to community/citizen involvement. While we in no way wish to demean the valuable work of such groups, we doubt that their funding by LEAA represents a significant Administration commitment to involving neighborhood-based and controlled, nonprofit community organizations in the planning and implementation of crime prevention programs.

LEAA Sixth Annual Report counted among the agency's citizen-initiative efforts:

> An Omnibus Courts Improvement Project. $1.04 million grant to the Kentucky Department of Justice.
>
> Support for the National Crime Prevention Institute. A $295,998 grant to the University of Louisville's School of Police Administration.
>
> Project Turn-Around, a $1.6 million grant to the Executive Office, Milwaukee County Courts.

The largest portion of LEAA's discretionary grants continue to be allocated to police science, police technical research and gadgetry. Small and large grants for relatively unimaginative projects with rather specious benefits continue to receive preference, while community organization proposals are given cursory reviews and are, more often than not, rejected.

We believe that the intent of citizen initiative in crime prevention is not being met in LEAA's current community crime prevention focus. Numerous public and private consultant and technical research firms have received grants under the auspices of "community crime prevention." The involvement of these firms in technical research on victimology or assessment of crime trends and the operation of criminal justice systems has resulted in an useful body of data. However, their involvement in the planning and implementation of local crime prevention programs has been characterized by limited insight, indifference to the input and concerns of community residents and general ineptness.

One of the largest recipients of such funds—a research institute operating in a major metropolitan area—has, over the last three years used much of its $2 million in LEAA funds to devise community crime prevention plans of questionable merit. For example, this institute's solution to the high crime rate plaguing a local neighborhood square involved fencing in the area. The recommendation, accompanied by an impressive array of supportive charts and documentation, and developed with no real input from area residents, was approved by city officials. If irate citizen reaction and protest is a measure of community involvement in crime prevention, then this project successfully involved the community. When citizens were apprized of the dubious "fencing" plan, they banded in understandable opposition and, after heated debate with city officials, the plan was mercifully trashed.

Another milestone in the institute's recommendations involved changing street traffic patterns in an effort to reduce congestion in a residential-commercial area plagued with crime. The neighborhood included a number of small retail and other commercial operations that would lose business with the change in

traffic flow. In addition, area residents and merchants were not involved in the formation of this plan. The city approved this ill-devised plan, despite the vigorous protest of citizens. After all, the institute represented "experts" in the criminal justice field, and is the city's prime technical assistance resource. However, citizens have documented the detrimental impact of the new traffic plan on the commercial viability of their area and have initiated a law suit to halt implementation of the plan.

Representatives of the criminal justice system have readily and repeatedly admitted that, in the absence of citizen assistance, neither more manpower, improved technology, nor additional money will enable law enforcement agencies to effectively combat crime. We strongly urge that this sentiment be adequately reflected in mandates, policies and funding levels of LEAA's new authorizing legislation. Specifically, the National Urban League recommends that:

1. Language be added to the declaration and purpose of the legislation noting that it is the purpose of Title I to also "encourage research and development directed toward improving and increasing citizen/community input and responsiveness to the law enforcement and criminal justice system, thereby enhancing the effectiveness and overall operation of the system."

2. That part C Grants for Law Enforcement Purposes, State Block Grants Purpose and Funding (Sec. 302, 303), Title I be amended to include in the State Plan a requirement that the plan "demonstrate the willingness of the State and local government to support citizen/community-based initiatives by local private/public non-profit agencies in law enforcement, criminal justice, and crime prevention activities."

3. For Title I, Section 306, Allocation of Funds: Block Grants and Discretionary Funds, on the statement of eligible recipients of discretionary grants, the existing legislation states the eligibility of private nonprofit organizations. There are many neighborhood groups, however, that perform quite well, but lack the formal organizational structure for participation in this program. We recommend that a statement be added specifying eligibility for such groups, noting, "such groups that lack a formal structure with proven record, be allowed to apply for a grant with the provision that they have a sponsor who is a private, non-profit organization. This non-profit sponsor will have administrative responsibility for no more than one year or until such time that the citizen group is able to satisfy the director that they meet the minimum standard outlined in the legislation for nonprofit organization."

4. That Part D. Training, Education, Research, Demonstration and Special Grants Purpose (Sec. 401) and Section 406, Academic Education Assistance be amended to provide full assurance on the recruitment, eligibility and involvement of disadvantaged and minority students and minority colleges and universities.

In 1973, the National Advisory Commission on Criminal Justice Standards stated that "citizen involvement in crime prevention efforts is not merely desirable, but necessary." This premise should be prominent in congressional deliberations on LEAA's authorizing legislation.

Mr. CONYERS. Our next witness is our colleague on the Judiciary Committee, Ms. Barbara Jordan.

I am very pleased to say she and I both serve on the House Committees on the Judiciary and Government Operations. Frequently she overshadows the other members of the Congressional Black Caucus by her skill and legislative ability.

In addition she serves on the Steering and Policy Committee of the Democratic Caucus. She was a major participant in this legislation when it was in the jurisdiction of Subcommittee No. 5 in 1973, chaired by now chairman of the full committee, the Honorable Peter Rodino.

Mr. MCCLORY. Will the gentleman yield?

Mr. CONYERS. Of course.

Mr. MCCLORY. I want to join in welcoming my colleague here this morning. She is the principal sponsor, and I am sponsoring the Republican side of a very important bill, we call it the "Fair Trade Amendment" to bring about greater competition and consumer benefits.

I also recall she is one of our "Women of the Year", so it is a great honor to serve with her, and I am pleased to welcome you this morning.

Mr. CONYERS. We appreciate your prepared statement. We know you have also introduced a piece of legislation, H.R. 12364, and both of those will be incorporated in the record, and we welcome your additional comments.

TESTIMONY OF HON. BARBARA JORDAN, REPRESENTATIVE FROM THE STATE OF TEXAS

Ms. JORDAN. Thank you, Mr. Chairman, and thank you, Mr. McClory, for welcoming me to this committee, and for the words which you said, which are all kind.

Mr. Chairman, and Mr. McClory, I have introduced a piece of legislation that attempts to strengthen the civil rights provisions of the Law Enforcement Assistance Administration. I would hope that this subcommittee, in proposing legislation for the continued authorization of LEAA, would put my bill in your authorizing legislation.

Mr. Chairman, it is necessary that we do something about civil rights enforcement in the Law Enforcement Assistance Administration. I am sure it is not the only agency, but it is certainly one agency with the word "Enforcement" in its title, which has declined to enforce the law.

In 1973 I proposed amendments when the LEAA authorization was in Subcommittee 5. I proposed civil rights amendments which were designed to strengthen civil rights enforcement at that time. What we wanted to do was to give the Law Enforcement Assistance Administration the early option to cut off funds if a jurisdiction was found to be discriminating. We passed the 1973 authorization law, including the civil rights amendments. The LEAA did not even promulgate regulations to carry out, to effectuate, the 1973 amendments until December of last year—I am talking about December of 1975—when they didn't promulgate regulations, they "proposed to promulgate".

We have had the 1973 amendments longer than 2 years. They have not been enforced. Regulations have not been promulgated. In December the Administration proposed to promulgate regulations and has not done so.

LEAA has not, on its own, terminated funds for any recipient who was found to be the perpetrator of discrimination. LEAA does not like to terminate funds at all because they say it is quite essential that the people in these communities continue to receive the benefits of whatever program it is. And so, consequently, the benefits keep flowing. LEAA keeps paying. And discrimination persists on the part of the recipients.

The bill which I have introduced is very simple. You probably have a diagram in front of you that will show the flow of enforcement of my bill. It is a little scheme called, "Schematic of Proposed Civil Rights Procedures".

Now, step one: If one of three things occurs—and if you are following me in my prepared statement, I'm on page 3—if one of three things occurs LEAA must send to the Governor a notification of presumed discrimination.

What three things will trigger notification of the Governor? A finding of noncompliance by a Federal or State court, or administrative

agency; the filing of a lawsuit by the U.S. Attorney General; or a finding of discrimination by LEAA's own investigators.

If one of these three things occur, what does LEAA have to do? Notify the Governor that there is presumed discrimination.

Step 2: The Governor is given 60 days to seek voluntary compliance. If, after 60 days, voluntary compliance is not achieved, or an administrative hearing has not absolved the recipient, payment of further LEAA funds would be temporarily sustained.

All right, we've got our triggered notification where there is presumed discrimination, and the Governor has 60 days within which time he can try to seek voluntary compliance. And if in that 60 days voluntary compliance is not achieved, a temporary suspension occurs.

Step 3: After suspension the recipient has 120 days in which to request an administrative hearing. LEAA must grant the request for a hearing within 30 days of receiving the request. Payment of further LEAA funds may be terminated permanently if, after the hearing, the recipient is found to be in noncompliance. If the recipient fails to request a hearing, LEAA must make a finding based upon the record that it has before it. Payment may resume only if the recipient is found to be in compliance.

There is nothing very new or dramatic about the procedure that I have outlined here because HEW has a similar procedure. It is anticipated that revenue sharing will have a similar procedure for civil rights compliance.

Note, at any time during the process the recipient has access to the courts. Aggrieved citizens may file suit in Federal court against alleged discriminators, and they may be awarded attorneys' fees if their suit is successful. Attorneys' fees to the prevailing plaintiff—nothing new about that.

The Attorney General is given explicit authority to file suit in Federal court, independent of any action or recommendation by LEAA. Reasonable and specific time limits must be established by LEAA for dealing with complaints and for conducting independent reviews.

If LEAA does nothing at all, at least the provisions of this bill which I have introduced would provide for some remedy on the part of the recipient; some remedy on the part of that person who is discriminated against. That's what we've got to do, or the law just means absolutely nothing, as we approved it as a result of the 1973 amendments; and the whole policy of, "No Federal money shall be distributed to people, agents, which discriminate."

So, Mr. Chairman, I recommend the bill to you for your consideration as you discuss civil rights provisions and continued authorization of LEAA.

Mr. CONYERS. Thank you very much.

I think your proposal makes eminently good sense.

The consideration that arises with me is, what if the organization itself is in noncompliance, which is precisely the problem we have here. Your legislation, of 3 years ago is still in the process of being promulgated—it makes me want to find out how far along LEAA is.

We all enacted a law; everyone understood what it meant; it went on the books; the President signed it; and then it was ignored.

Now, some of us—yourself included—are getting a little tired of this. We can pass civil rights laws year in and year out, and the agency charged with the enforcement ends up being the prime noncompliant.

Now, how do you get tough in Texas legislative proceedings?

Ms. JORDAN. Well, Mr. Chairman, I wish that I could apply the law of the frontier——

[Laughter.]

Ms. JORDAN [continuing]. And go over there and mandate enforcement.

Now, since we can't do that, I have suggested that if LEAA doesn't do that, we at least have two other places on that scheme for people to try to act, to file suit; the Attorney General can file suit, that's one thing that can happen. Then we can get an administrative agency or a court to find discrimination as the basis of the filing of the complaint by the person against whom the discrimination occurred.

We've got three ways to go, rather than one. It would be very frustrating for the whole process of civil rights enforcement if we were going to be forever stymied in the enforcement of this law.

Mr. CONYERS. Well, I think you do point out correctly that there are multiple alternatives involved in your approach.

Would you be willing, and my colleague from Illinois, to perhaps examine an additional provision to your legislation that would interrupt the operation of LEAA if they are not in compliance, if it reaches such a point?

Ms. JORDAN. Mr. Chairman, you are not addressing that question to me, I assume.

Mr. CONYERS. I am, as my fellow colleague on the judiciary.

Ms. JORDAN. Mr. Chairman, if we say interrupt all the money that is being dispensed by the LEAA, and that money is going to recipients, groups, agencies, organizations which do not in fact discriminate——

Mr. CONYERS. True.

Ms. JORDAN [continuing]. And we simply say we are going to end the authority of LEAA to dispense funds altogether, we would be penalizing those groups who now receive money, which are in compliance.

Mr. CONYERS. Well, how about a temporary interruption?

Ms. JORDAN. We could temporarily interrupt, Mr. Chairman, but I would hope there would be some alternative dispenser of funds to those groups which are entitled to continue to receive the funds. To temporarily disrupt or halt, I'm just worried about those people out there who are doing the right thing.

Mr. CONYERS. I share your concern.

How about interrupt the operation of the LEAA itself, without interrupting those grantees who are in compliance?

Ms. JORDAN. If a way could be found to do that, Mr. Chairman, I would certainly be in total agreement with that.

Mr. CONYERS. Well, that may be a challenge to the continued noncompliance of the LEAA.

Now, perhaps the alternatives that are raised in your proposal should be given some experience to determine whether these alternatives will put the pressure that is needed into action.

But finally, if in the end this is a consistent pattern that after 8 years and all kinds of legislative attempts to fail to get any kind of effective cooperation, then I would like for us to explore some legislative provisions that would go to the heart of the matter, inside the LEAA operation, and not punishing those recipients of funds who are in compliance.

Mr. McClory?

Mr. McCLORY. Thank you, Mr. Chairman.

Is the proposal that you make, Miss Jordan, is that consistent with another practice with regard to other legislation?

Ms. JORDAN. It is consistent in a general way with the practice applied by HEW in the enforcement of title VI.

Mr. McCLORY. Right.

Ms. JORDAN. Now, as you know, HEW may, under title VI, try to achieve compliance in school integration matters. They, with just the threat of termination of funds, are able to resolve almost 90 percent of the disputes that occur.

So, the answer to your question is: Yes, it is certainly consistent with HEW's enforcement under title VI.

Mr. McCLORY. Since it is already in the law that the funds should be dispensed and utilized without discrimination, the Administrator of LEAA would have authority, I assume, under existing law, to withhold if he found administratively—he hasn't exercised that authority, has he?

Ms. JORDAN. He has the authority, but he has not chosen to exercise it at all.

Mr. McCLORY. We don't have any mechanism.

Ms. JORDAN. That is right, we don't have any time frame.

Mr. McCLORY. What about the city of Chicago—those funds—aren't they withholding $60 million?

Ms. JORDAN. Those are LEAA funds, the police department. But that was not LEAA action, that was court action.

Mr. McCLORY. Right.

Ms. JORDAN. And if LEAA had acted, it might have been possible to get that situation worked out without going to court, having a decision and enforcement of the judicial decree.

Mr. McCLORY. So, at the present time under administrative authority you can achieve the same thing as through court action.

Ms. JORDAN.It only takes longer.

Mr. McCLORY. Of course, your suggestion involves also the possibility of court action.

Ms. JORDAN. Yes.

Mr. McCLORY. I think that is very good.

Mr. CONYERS. Let me just raise one question while Mr. McClory is preparing for his final question.

Let us go to the larger question of crime in America, and the responsibility of the Federal Government in this area, and the apparent failure of 8 years and $4.5 billion of LEAA; but the greater failure of the Federal Government to deal with this problem of crime.

Would you have any suggestions, or recommendations at this point, or later, Miss Jordan, with regard to the formulation of policy, or objectives in the way that the governments, Federal and State, could approach this problem?

Ms. JORDAN. Well, Mr. Chairman, that is a problem that is, as you observed, most serious. I would like, Mr. Chairman, to give that some thought, and at another time come with a thoughtful response to your question.

Mr. CONYERS. I appreciate that and here is why I'm saying that. I have asked the Attorney General of the United States, through his

Deputy Attorney General, the same precise question. Until the Government designs some program with some objectives by which we can measure what it is in our strategy toward crime, to make some evaluations, we can have programs—and there are 100,000 grants flowing from LEAA—we can increase them ad infinitum; we can increase the amounts of money. We can create block grants and revenue sharing, but absent some kind of plan—it may be necessary for us in the legislature to devise some kind of a program that approaches this subject. We have now what some people have termed in this subcommittee a "fiscal relief program," for the law enforcement agencies of America at every level.

And of course no one wants that kind of a law. With the localities as starved for revenues as they are, they don't care if it comes from the Mafia, they want the money, much less whether it comes through the LEAA, the Justice Department, or anybody else.

But somewhere along the line I perceive us as having the responsibility to inquire if there is a program, and if not, perhaps help shape one. I would invite your thoughts on that.

Ms. JORDAN. I would certainly do that, Mr. Chairman.

Mr. CONYERS. Thank you.

Mr. MCCLORY. Miss Jordan, aside from the recommendations for amendments that you are making, are you in full support of the extension of the LEAA program?

Ms. JORDAN. Mr. McClory, I'm generally in support, but I have some negative reactions to their civil rights enforcement that make me reluctant to give total approbation to the Agency. But, the answer to your question is, yes.

Mr. MCCLORY. Thank you very much.

Mr. CONYERS. Now we'd better let you get out of here, now that you have approved the program. [Laughter.]

You may reconsider it before too long.

Ms. JORDAN. Thank you, Mr. Chairman.

[The prepared statement of Hon. Barbara Jordan follows:]

STATEMENT OF HON. BARBARA JORDAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, members of the subcommittee, I have introduced legislation amending the civil rights section of LEAA's basic authorization. I urge this Subcommittee to incorporate my bill into its 1976 amendments.

The purpose of my bill is straight forward: to assure that LEAA funds will not continue to flow to state and local law enforcement and criminal justice agencies which have been found to have discriminated, unless corrective action is taken.

The reasons for my bill are equally straight forward: First, LEAA has not seen fit to implement civil rights law adopted in 1973. Second, LEAA has never, on its own, suspended payment of funds to any recipient which has been found to have engaged in discriminatory practices.

In 1973, the Congress adopted subsection 518(c) of the Omnibus Crime Control and Safe Streets Act. I authored those 1973 amendments. They provide a broad prohibition against the use of LEAA funds for a discriminatory purpose or effect. The amendments provide ample authority for LEAA to initiate civil rights compliance investigations, make findings, seek voluntary compliance, temporarily suspend payments, hold administrative hearings, order corrective actions, and permanently terminate payments. The response of LEAA to the 1973 civil rights amendments has been less than minimal. LEAA's civil rights regulations now in effect were adopted prior to the enactment of the 1973 amendments. Simply put, LEAA's civil rights regulations contravene the law.

In December, 1975, two years and four months after the enactment of the 1973 amendments, LEAA published in the Federal Register proposed regulations to implement the 1973 amendments. Since December, nothing further has emanated from LEAA.

LEAA has never terminated payment of funds to any recipient because of a civil rights violation. Despite positive findings of discrimination by courts and administrative agencies, LEAA has continued to dole out funds to the discriminators. A process of tortured reasoning and a blatant disregard of the 1973 amendments keeps the money flowing.

LEAA's reasoning can be illustrated by example. A complaint is filed alleging discrimination. At the same time the complainant files suit in either state or Federal court. LEAA reasons that pending the litigation it can do nothing. And it does nothing, except continue to pay the defendant. Later, the litigation over, the defendant has been found by the court to have discriminated. The Court orders remedies. LEAA reasons that the court ordered remedies solve the problem. LEAA continues to do nothing, except pay. Either way LEAA portends non-involvement. Either way a clear reading of the statute is ignored. "No person . . . shall . . . be subjected to discrimination under any program or activity funded in whole or part with funds made available under this Act."

My bill proposes a simple set of steps which must be followed by LEAA if discrimination is found to exist. The Members have before them a diagram which summarizes these steps.

Step one. If one of three things occurs, LEAA must send to the Governor a notification of presumed discrimination. The three things which would trigger the notification are: A finding of non-compliance by a federal or state court or administrative agency, the filing of a law suit by the U.S. Attorney General, or the finding of discrimination by LEAA's own investigators.

Step two. The Governor is given 60 days in which to seek voluntary compliance. If, after 60 days, voluntary compliance is not achieved or an administrative hearing has not absolved the recipient, payment of further LEAA funds would be temporarily suspended.

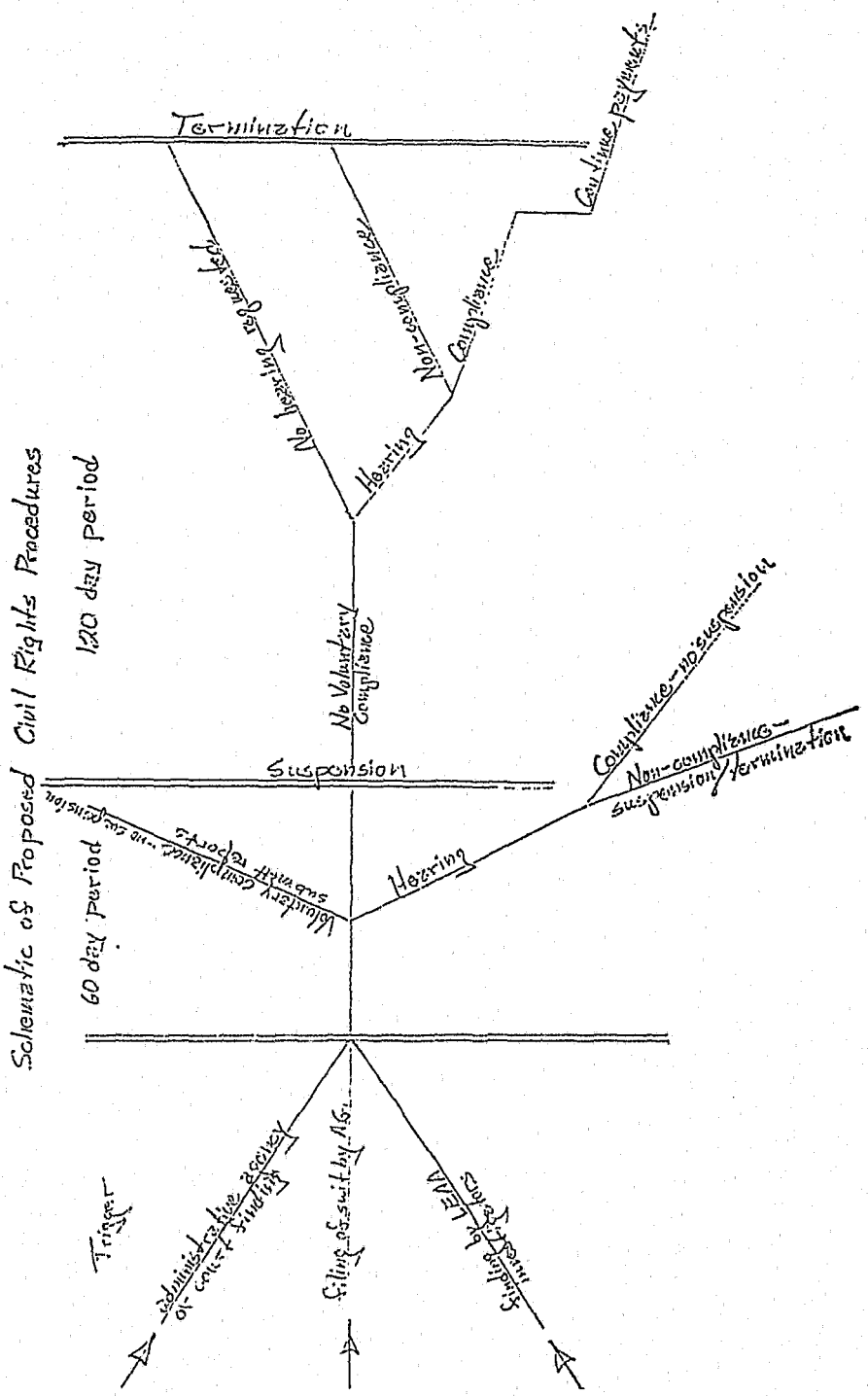
Step three. After suspension, the recipient has 120 days in which to request an administrative hearing. LEAA must grant the request for a hearing within 30 days of receiving the request. Payment of further LEAA funds may be terminated permanently if, after the hearing, the recipient is found to be in non-compliance. If the recipient fails to request a hearing, LEAA must make a finding based upon the record before it. Payment may resume if the recipient is found to be in compliance.

At any time during the process the recipient has access to the courts. Aggrieved citizens may file suit in federal court against alleged discriminators, and they may be awarded attorneys fees if their suit is successful. The Attorney General is given explicit authority to file suit in federal court, independent of any action or recommendation by LEAA. Reasonable and specific time limits must be established by LEAA for dealing with complaints and for conducting independent reviews.

The steps required by my bill are similar to the steps the Department of Health, Education, and Welfare uses to implement Title VI of the Civil Rights Act of 1964. Their inclusion in the LEAA authorization will assure that if LEAA continues to ignore civil rights law, payment of funds to discriminators can be halted by action of the courts, administrative agencies or the Attorney General.

If LEAA continues to do nothing, at least my bill provides that federal money will not be spent in contravention of the civil rights prohibition. If LEAA wishes to implement the 1973 amendments, that will be fine also. Either way, my bill makes certain that the 1973 prohibition against the use of LEAA funds for a discriminatory purpose or effect will be meaningful.

LEAA has both a constitutional and a statutory responsibility to enforce civil rights law. Failure to take that responsibility seriously leads me to believe that further promises should not be taken seriously by the Congress. I am no longer willing to wait to see promises fulfilled. The law should be enforced. That is what my bill assures. To ask that an agency called the Law Enforcement Assistance Administration itself enforce the law, is not asking too much.


Schematic of Proposed Civil Rights Procedures
120 day period
60 day period
Termination
Suspension
Hearing
No Hearing Requested
Non-compliance
Compliance
No Voluntary Compliance
Voluntary Compliance
Hearing
Compliance-no suspension
Non-compliance-suspension/termination
Filing of Suit by AG
Pending Cases

Mr. CONYERS. We are going to go in order, we have another member of the Judiciary Committee before us. And this subcommittee of course is flattered to have the only two women members of the Judiciary Committee testify; it speaks well of myself and my colleague from Illinois.

Ms. JORDAN. It does.

Mr. CONYERS. We now call the gentlewoman from New York, Miss Holtzman to testify.

She has a long record of concern in connection with the Law Enforcement Assistance Administration, and she has a proposal which I think is quite relevant. She serves with distinction on the Full Committee on the Judiciary, and has concerned herself with matters of criminal justice and law enforcement.

We have your statement, it will be incorporated into the record at this point, and I will call the subcommittee to as much order as we can obtain.

We welcome our colleague.

Mr. MCCLORY. If the chairman would yield. I want to join in welcoming the distinguished Congresswoman from New York.

TESTIMONY OF HON. ELIZABETH HOLTZMAN, REPRESENTATIVE FROM THE STATE OF NEW YORK

Ms. HOLTZMAN. Thank you very much for your kind remarks. Let me say it is a privilege to appear before your subcommittee, not only to testify about the LEAA, which is an important tool on the fighting of crime, but to acknowledge this subcommittee's very important role with regard to gun control. In my opinion, LEAA and gun control are the most important Federal legislation dealing with the problem of crime in the United States.

Mr. Chairman, it seems to me that one of the top priorities of government at all levels is to protect Americans from the ravages of crime—from the death, and injury, and fear that it brings.

State and local governments have the basic responsibility in our system of government for combating crime, yet the Federal Government has tried to assist them in these efforts. It seems to me that the Federal Government has failed to provide adequate help.

LEAA was to be the major weapon of the Federal war on crime, but testimony that others have given before this subcommittee has shown that the LEAA has not had the kind of significant impact that the dollars spent on it would warrant.

In 1968 the Omnibus Crime Control and Safe Streets Act was passed in order to aid States in improving law enforcement and reducing crime. From 1969 until 1974 the LEAA spent more than $3.6 billion in that effort. But in the same time period the crime rate increased by 36 percent, and the rate of violent crime increased by 40 percent. You can't say that the increase in crime is directly related to the spending of money on LEAA, but I would argue, Mr. Chairman, that the money spent on LEAA is not nearly as effective against crime as it could have and should have been.

Mr. CONYERS. Would it be inappropriate to submit that reducing the amount of money of LEAA would result in a reduction of crime?

Ms. HOLTZMAN. Well, that is an argument you could make, Mr. Chairman, but clearly, there have been important programs funded around the country that LEAA has been responsible for.

But, as I say later in my testimony, very little evaluation has been done; we don't know why programs work if they have worked; and we don't know why they fail if they failed. I think the problem with LEAA isn't so much the amount of money, but how we spend money, what we spend the money on, and what we require to be done with that money.

I am going to try to summarize my testimony, Mr. Chairman, if that is permissible.

Let me say that I have introduced a bill, H.R. 12362, and I have distributed to the clerk of the committee copies of the provisions of the bill itself. This is a bill that I think is the first step toward what should be a thorough and comprehensive overhaul of the LEAA; and I would suggest, Mr. Chairman, in light of the work you have done on gun control, and the deadline facing the subcommittee, that perhaps a thorough overhaul of the LEAA won't be practical before this year's deadline. But I would suggest nonetheless that a 1-year extension of LEAA is important, and should include a number of basic improvements.

Let me spell out the four areas that I think are of particular concern. The first is the need to speed up the processing of criminal cases. The second problem, it seems to me, that has to be addressed now is to assure that LEAA projects be evaluated to find out if they work. It is an absolute disgrace to keep spending money on programs without knowing if the programs have succeeded. One thing we ought to be able to do is learn from out past, learn from our successes and learn from our failures. We should have a serious, intelligent evaluation of the LEAA programs. I think we can require LEAA and the States to begin to start thinking about evaluation, to the maximum extent feasible, of all LEAA-financed programs.

Mr. CONYERS. I think that is an excellent idea. I think it is similar, Ms. Holtzman, to the idea of suspending the LEAA long enough for us to get our bearings and examine what in the devil has been going on with the 100,000 grants that are out right now.

Ms. HOLTZMAN. Some programs, Mr. Chairman, have worked, and I would very much hate to see LEAA stopped for a year. I think that we can go forward for a short period of time, while the committee studies the LEAA programs. We can begin, at the same time, this year, to make changes that would really help LEAA to improve itself in the next 15 months. For example, by requiring evaluations. And through the transition quarter and the next fiscal year, we ought to be able to get a better sense of how the evaluations are working and what the LEAA is doing than we have now.

We should also begin to focus LEAA funds on the problem of speeding up trials. Those are two of the things I'm suggesting.

Mr. MCCLORY. Will the chairman yield?

You would mandate the National Institute on Law Enforcement and Criminal Justice to do the evaluations?

Ms. HOLTZMAN. That would be in my bill, Mr. McClory.

Mr. MCCLORY. That is a very good suggestion.

Ms. HOLTZMAN. And the resason for that is, we need to get professionals in the LEAA involved in the evaluation process.

Mr. McCLORY. A professional agency on the Federal level.

Ms. HOLTZMAN. That is correct. And I think we ought to help States to begin to develop this year their own evaluation programs. I think we ought to make a serious and professional start, and I think we ought to do it right now.

I think it would be disgraceful to mandate the extension of the LEAA without requiring some serious and intelligent start toward evaluation this next year.

Mr. CONYERS. You know, this is very thoughtful and also incredible to find that my colleague and I always agree when the witness is a lady and a member of the Judiciary, that seems to facilitate coordination in the subcommittee. Please continue.

Ms. HOLTZMAN. I have two examples, by the way, of how the lack of evaluation is really harmful, in my written testimony. In one case, $7 million was spent on a program trying to improve police response time in Cleveland, Dallas, New York, and St. Louis. To this day nobody knows, after this $7 million was spent, whether police response time actually improved. Now, if it did improve, wouldn't we like to know that? And if it didn't work, we should be telling cities and localities they shouldn't be using that approach.

Mr. CONYERS. It is startling indeed that it never occurred to the Department of Justice or LEAA to do this. We will transmit the testimony to them forthwith.

Ms. HOLTZMAN. Well, I would suggest, Mr. Chairman, that we not only make the suggestion, but that we put it in the statute to start the States responsibly toward evaluations, that we make it mandatory. My bill does not mandate the States to begin complete evaluation procedures right away, but it does require a beginning.

Mr. CONYERS. Do we agree with that?

Mr. McCLORY. If I understand it, we mandate this operation.

Mr. CONYERS. Now, let me raise one question, we have Senator Kennedy joining us at about 10 o'clock. The one question I want to pose is this, what is the program of the Department of Justice in combating crime in America; and if there isn't one, should not the Judiciary begin to formulate one?

Ms. HOLTZMAN. Well, I would say, Mr. Chairman, that the LEAA was established by the Federal Government to fight crime. It may be in fact that the LEAA has made major contributions, but we don't know that. Chances are that a lot of money has been wasted in the process, enormous amounts of money.

I think the Congress ought to set some national priorities about what this money is to be spent on. I would suggest that we mandate that the money be spent in three areas.

One area is speeding trials. The fact is that many cases take a year or 2 years to try—even violent crimes—and this makes a mockery of the criminal justice process throughout the country.

I think another area is the problem of juvenile delinquency. We have seen an enormous increase in juvenile violent crimes over the past 3 years. I know in the State of New York we have really shocking figures, as I point out in my prepared testimony. There have been something like 25,000 arrests for juvenile crimes in the last year in the State of New York alone—5,700 for violent crimes. Only 900 persons have been placed either in penal-type institutions, half-way houses, or

some other kind of custody. What happened to the 24,000 other young people that committed serious crimes? Where are they. Are they back on the street?

In the State of New York, I would say frankly, we have been unable to cope with the problem of serious juvenile crimes. I think that is a problem that is repeated in other parts of the country. I would suggest, in a major overhaul of LEAA, that we require States to concentrate their efforts on dealing with this problem.

I also think that corrections has been a serious problem in the sense that much crime is committed by people who have already been in correctional institutions. Something is wrong there. I would suggest that a lot of attention and effort be directed to this problem.

But I would also say, Mr. Chairman, that I don't think it is the business of the Federal Government by itself to deal with and straighten out these problems. I think this should be done in accordance with local conditions and with plans the States and localities develop. I think if we begin to build up an evaluation arm of LEAA, we can probably encourage States and localities to develop plans that have a meaningful chance of success.

I think, Mr. Chairman, once we in the Congress establish these priorities we can review them in 2 or 3 years. Maybe those priorities won't be shown to be the right ones.

In addition, the categories should allow for waivers where a particular expenditure is not justified. In some areas juvenile delinquency and the lack of speedy trial may not be serious problems. Those areas could spend LEAA funds on other needs.

But I would suggest, Mr. Chairman, that it is time for Congress to set some priorities for the expenditure of moneys for needed improvements.

As I said, at this time what we need to do is three or four things to make important improvements right away, and yet give the committee time to go into this problem in depth. First, as I said, evaluation, and second, to begin to concentrate Federal money on the problem of speedy trials. What my bill does is require that a portion of the Federal discretionary money, which constitutes 15 percent of the part C block grant money, be spent on speedy trials in the various States. That doesn't take any money away from the States that they already have, and it doesn't take any money away from localities; but it gives to the States and localities a part of the Federal discretionary money to deal with the problem of speeding up trials.

And the third area that I deal with in my bill—and I would suggest, Mr. Chairman, that the committee undertake at this time—is a program to deal with violent crimes in high crime areas. My bill provides $100 million for the purpose of fighting violent crimes in high crime areas in thie country.

I would point out the President and the administration bill propose a similar program, to be funded, however, at the $50 million level annually and providing no standard by which this money would be used. I double the amount because I think that we ought to be focusing on some of our cities or counties, or combinations of local jurisdictions, with populations over 250,000, which have a high incidence of crime. I think the money ought to be focused on certain problems, namely aggravated assault, burglarly, robbery, rape, and murder. The

money ought to be spent on the basis of the kinds of programs that are submitted, so that the best programs—the ones that are most likely to succeed—will have a preference; and second, it should be spent in the highest population areas, the areas with the highest incidence of crime. And my bill also would require that high crime incidence areas which are given this money make evaluations. That will be a mandatory part of it.

I think, Mr. Chairman, that would permit us to target money on high crime areas, with some standards, focusing on certain criminal problems, and to see how it works in the 15-month period of the transition quarter and fiscal 1977.

Finally, Mr. Chairman, the fourth innovative part of the bill would focus a portion of LEAA efforts on the elderly, the people who are very vulnerable victims of crime.

Mr. CONYERS. We are certainly grateful that you are a member of the full committee, and I know that you will be working with the subcommittee as we get into more details on your proposal.

Ms. HOLTZMAN. I will be very honored to do so.

Mr. MCCLORY. The only fault I find with your suggestion for an extension of 1 year, or 15 months; one of the objections to the existing 1-year appropriation is that it is difficult for the States' planning agencies, and the communities to develop ongoing programs. So, I would hope we would extend the bill, extend the law for 5 years, and then we can still take up the subject of amendments in a succeeding Congress without eliminating the extension to 1 year.

The other observation I would like to make is, this Congress and our committee have been pretty deficient, it seems to me, in connection with the business of speedier trials, and trying to accelerate the administration of justice by our previous failure to provide for additional Federal judges.

The Judicial Conference recommended over 50 additional Federal judges to take care of Federal criminal cases, and we have not had any hearings in our committee. I think the Senate committee has taken action to recommend 45; and there are partisan political considerations that are preventing them from having additional Federal judges. I think that is a pretty dismal commentary on our congressional service here that we refuse to provide the necessary additional Federal officials because we want to wait until after the elections to see if we can't get another administration in the White House and then get judges from another political party.

Ms. HOLTZMAN. Mr. McClory, I want to respond to both points. First on the point of whether the LEAA should be extended only for a limited period of time. I think this subcommittee realizes there are serious problems with the LEAA; that it has not performed as well as it should have, given the fact that over $4 billion have been spent on this effort; that we as Members of Congress can do much to improve this program.

Also, I would like to suggest—and perhaps I'm out of order—that because the subcommittee has other important bills, to deal with LEAA in depth may not be practical at this time.

Mr. MCCLORY. We intend to get back to the gun control bill.

Ms. HOLTZMAN. I want to say, Mr. McClory, I consider my bill as a stop-gap effort, with some improvements, which will allow this committee to make a major overhaul of LEAA later.

Mr. McCLORY. I don't see any reason why we couldn't take all three steps right now, they are not that earth shaking that we need to wait another year.

Thank you very much for your very helpful testimony.

If I may, I only want to say, Mr. Chairman, that I'm impressed by Ms. Holtzman's analysis of the shortcomings of the program, and the affirmative action that she recommends. I have been particularly concerned about the evaluation and exchange of information that have been basically lacking. Thank you very much.

Ms. HOLTZMAN. Thank you very much.

Mr. CONYERS. Do you have any concluding remarks?

Ms. HOLTZMAN. No, Mr. Chairman, I would just hope that this committee would take action, as I am sure it will, to try to improve LEAA, so that it can more effectively deal with the problems of the States and localities in fighting crime.

I know, Mr. Chairman, that the Senator from Massachusetts, Mr. Kennedy, will testify later, and that he too has offered a major overhaul of the LEAA. He has important suggestions that I know this committee will consider.

Mr. CONYERS. Do your bills coincide?

Ms. HOLTZMAN. I think in part they coincide. The Senator is concerned about evaluation and also concerned about reporting. But I take a different approach to major reforms.

I have two kinds of bills, Mr. Chairman. One proposes a 1-year extension, beginning evaluation this year, targeting some discretionary money on speedy trials, and targeting $100 million for areas with high incidents of crime.

What my bill to provide a full restructuring of LEAA does that is different from the approach of the Senator and others, is that it has the Federal Government set the priorities with respect to where Federal money ought to be spent. It would, however, allow the States to determine how the money ought to be spent to achieve the goals that we set in the Congress.

Mr. CONYERS. Well, it seems to me his evaluation approach and your specifics are not in conflict.

Ms. HOLTZMAN. Oh, no, I think we are both concerned about that. I'm not sure whether his bill places the evaluation in the Institute. I would just suggest that that is an important point.

Mr. CONYERS. Well, he is here now, so we will call him forward. Thank you very much for your testimony.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

[The prepared statement of Hon. Elizabeth Holtzman follows:]

STATEMENT OF HON. ELIZABETH HOLTZMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. Chairman, members of the Subcommittee on Crime, I appreciate your giving me the opportunity to appear before you today to speak about the Law Enforcement Assistance Administration.

Certainly one of the top priorities of government at all levels must be to protect Americans from the ravages of crime—from the death, injury, and fear that it brings. While State and local governments have the primary responsibility for fighting crime, the Federal Government—despite the rhetoric of the President and others—has failed to meet its own duty to aid the States and cities in this effort.

LEAA was intended to be the major weapon of the Federal war on crime, but, as testimony before this Committee has shown, it has failed to have significant impact. In 1968 Congress passed the Omnibus Crime Control and Safe Streets Act, mandating the LEAA to aid State and local governments in fighting crime. From 1969 through 1974, LEAA spent more than $3.6 billion in that effort. In that same period, according to the FBI, the crime rate increased 32 percent and the rate of violent crime increased 40 percent. This is hardly a record of achievement of which we can be proud.

I do not mean to imply that LEAA has been a total failure. Many useful projects have been funded, many improvements have been made in State and local law enforcement efforts, and many of the programs funded by LEAA offer significant promise for the future. The fact remains, however, that the average American does not feel safe walking the streets of most cities, many Americans do not feel safe in their own homes, and at least one out of every 20 Americans will be the victim of a serious personal or property crime this year.

It is clear, then, that we must make substantial improvements in Federal efforts to protect our citizens from crime.

I have introduced a bill, H.R. 12362, which constitutes a first step toward those initially needed improvements. My bill focuses on four areas of particular concern: First, the need to speed the processing and disposition of criminal cases; second, the need to evaluate LEAA-funded programs to determine whether they work, third the problem of violent crime in our cities; and fourth, the unique vulnerability of the elderly to crime and criminals.

Perhaps the signal failure of LEAA to-date has been the lack of attention given to speeding the disposition of criminal cases. This fact has been attested to by, among others, the General Accounting Office, the Advisory Commission on Inter-governmental Relations, the American Bar Association and the Conference of Chief Justices of the State Courts. LEAA's latest annual report shows that only 13 percent of fiscal year 1975 action funds were spent on the adjudication of criminal cases, and less than half of this went to the courts.

This neglect must not be allowed to continue. Probably, the greatest deterrent to crime is the assurance of swift and certain punishment. Trial delay and overcrowded courts, however, make justice in America anything but swift or certain. While no reliable nationwide figures on trial delay exist, (indeed this very absence of information demonstrates the lack of attention which has been devoted to the problems), LEAA studies in Cleveland, Indianapolis, and New York City have shown that it takes an average of 7 to 8 months to bring a case to trial, not including the time consumed in the trial itself. Thus it is not surprising that many criminal cases drag on for one to two years or more, and, because we don't know which cases are tried quickly, it may well be that the most serious crimes take the longest to process. These figures should be compared with the recommendation of the National Advisory Commission on Criminal Justice Standards and Goals that trials begin within 60 days after arrest and the recommendation of the President's Crime Commission that trials be completed within 3 weeks later.

And the problem is getting worse, not better. The GAO found that criminal case backlog grew in Colorado from 3,409 cases in 1969 to 5,429 in 1972, in Massachusetts from 18,306 cases in 1969 to 33,194 in 1972. Chief Justice Walter McLaughlin at the Superior Court of Massachusetts testified before the Senate that this backlog had grown to 38,933 by 1975. Indeed, if LEAA does increase police effectiveness, without dealing with trial delay, the result will be no reduction in crime but only greater backlogs.

Society pays for trial delay and crowded court calendars in a number of ways. Defendants released on recognizance or bond may commit additional crimes during the lengthy waiting period. Witnesses move away, become unwilling to testify or simply forget. Prosecutors agree to plea bargain which results in reduced sentences or probation for the most serious of crimes. Police become disgusted as they see criminals repeatedly returned to the streets with a slap on the wrist or less. Innocent defendants who cannot raise bond are kept in overcrowded jails, for lengthy stays at public expense.

Added to all of these consequences is the mockery which trial delay makes of our criminal justice system, convincing police, defendants and the public at large that so-called "justice" is simply a game to be played and beaten.

My bill makes an important start in focusing Federal efforts on this problem. It makes reducing criminal case backlog and trial delay a specific objective of the LEAA program, and requires that both LEAA and the States give special emphasis to these goals. The bill also requires that one-third of part C discretionary funds

be used for speedy trial programs. Thus, LEAA will be mandated to compensate for its prior neglect of the delays in the criminal trial process. Finally, the bill assures that the courts will be represented on State planning agencies by requiring that at least two members of each SPA come from persons nominated by a State's chief justice.

These steps can and should be taken right away. They will move us towards the goal of providing swift and sure justice for defendants and society at large.

The second chief focus of my bill is on improving the evaluation of LEAA-funded programs. The shocking fact is that after 8 years and more than $4 billion in Federal expenditures LEAA has no idea whether the programs it paid for have worked. Study after study, report after report, have shown that LEAA projects have not been evaluated for their impact on crime or whether they achieved the goals set for them. In fact, LEAA does not even know what all of its money has been spent for.

The LEAA program was intended first to encourage States to create comprehensive plans for reducing crime and improving law enforcement; second, to fund new and innovative approaches to these problems; and third, to enable States to implement useful programs for improving law enforcement. Because neither State plans nor the projects contained in them are evaluated, however, we simply do not know whether the existing State plans offer the promise of reducing crime or which innovative projects have been successful and should be repeated or what steps a State can take to improve its efforts against crime.

In the words of Victor L. Lowe, director of the General Government Division of the GAO: "Are we any closer now, after 8 years to the LEAA program, to knowing why the crime rate increases, and what to do to reduce it? We believe the answer is no".

A brief look at one of the programs LEAA has evaluated illustrates how serious the problem is. From 1972 through 1975 LEAA spent $140 million on a high impact anticrime program in 8 cities. LEAA also spent $2.4 million on a national-level evaluation of the program. In the words of LEAA's own evaluators: "Evaluation planning at the national-level took place during November and December of 1971. Given the short time-frame, however, it proved impossible to establish an evaluation plan for the national-level evaluation (outcome objectives, for example, were never operationally defined)".

And, further on, the evaluation report says:

"All of these considerations necessarily signified the renunciation of any experimental or quasi-experimental design for the national-level evaluation, and the decision was taken to concentrate on process rather than outcome".

In other words, this $2.4 million evaluation of a $140 million program was not intended to find out whether the program worked, but only to find out what the program did and how it did it.

As a result, in the High Impact program, $2 million was spent buying helicopters for Atlanta, Baltimore and Dallas, with no idea of whether those helicopters were at all useful. Nearly $7 million was spent to improve police response time in Cleveland, Dallas, Newark, and St. Louis, but no one knows whether police response times actually improved.

It is clear, Mr. Chairman, that in the interests of both fighting crime and of assuring that Federal Tax Dollars are not simply going down the drain, greatly increased evaluation of LEAA programs and projects is absolutely necessary.

My bill contains several provisions to improve LEAA evaluation efforts. State plans for the expenditure of block grant, corrections and juvenile justice funds are required to provide for the development and implementation of evaluation procedures. This provision not only mandates that evaluations be done, but makes it clear that block grants funds can and should be used for this purpose.

In addition, if a State wishes to develop a uniform statewide evaluation program, it may do so with up to 10 percent of it part C funds exempted from requirement of mandatory pass-through to localities. This provision, recommended by the GAO in testimony before this Committee, encourages uniform, central evaluation.

The bill directs the National Institute of Law Enforcement and Criminal Justice to develop uniform procedures for making and reporting evaluations. This will allow comparison of the effectiveness of projects from different states and localities.

The Institute is also mandated to receive evaluations of all programs and projects, to make such evaluations as it deems advisable, and to compile and circulate among the States information about successful programs. Thus, a State planning agency will be able to learn whether a project it is contemplating

has been used with success elsewhere, and will also have valuable source of promising future projects. It will also know what has failed, and thus, what to avoid.

I would note, too, Mr. Chairman, that by making the Institute which is the professional rather than bureaucratic side of LEAA—responsible for evaluation, my bill provides the maximum of technical assistance to the States with a minimum of redtape and interference.

Finally, the bill requires that LEAA report to the Congress and the President about its efforts. Thus, we will be able to learn regularly how its programs are working and what changes are necessary.

The third major feature of my bill is the creation of a program of aid to urban areas which have high rates of so-called "high fear" crimes—homicide, rape, aggravated assault, robbery and burglary. The need for a special effort in major metropolitan areas is obvious. According to the FBI, standard metropolitan statistical areas with populations over 250,000 have a rate for violent crime that is 22 percent higher than the overall national rate, more than twice as high as the rate in small cities, and nearly four times as high as the rate in rural areas.

The "high fear" crimes are those which are the greatest direct threat to most Americans and they deserve special attention. In addition, by focusing LEAA funds—$100 million annually—on a limited number of crimes in a limited number of areas, the program will hopefully have a substantial impact.

While this provision is based on the High Impact program I referred to earlier, which has not been as successful as it should have been, I am hopeful that the increased funding and stepped up evaluation provisions contained in my bill will give the program a real impact on the areas most affected by serious crime.

The prevention of crimes against the elderly is made a specific objective of LEAA aid under my bill. No segment of the population is more vulnerable to crime than elderly people who frequently live alone, often in declining neighborhoods, and who are least able to avoid or resist being victimized. In addition, an elderly person can often least afford the financial loss or physical injury which result from crime. Thus, the elderly person must be a special concern of LEAA crime prevention efforts.

Finally, my bill removes the restriction that no more than one-third of an LEAA grant may go to personnel costs. This limit has contributed to LEAA fondness for hardware—for helicopters, surveillance equipment, wrist heart monitors and other Dick Tracy devices. The restriction is unnecessary and should be removed.

I would stress, Mr. Chairman, that H.R. 12362 is only the beginning toward making LEAA an effective crime-fighting program. The provisions which I have discussed today are, in my opinion, the irreducible minimum of improvements that are needed to have an impact on crime and assure Federal taxpayers that their money is being sensibly spent. A far more extensive revision of LEAA is desirable, although the pressure under which this Committee is operating makes that not a practical goal at this time. I intend within the next few days to introduce legislation to make such a revision. I would like, Mr. Chairman, to outline briefly the major aspects of this proposed legislation.

One of the chief problems with LEAA is that its efforts have been diffused across the entire range of law enforcement and criminal justice activities. Because LEAA accounts for only 5% of nationwide law enforcement expenditures, it has not been able to have a significant impact. Any serious overhaul of LEAA has to remedy this by focusing its efforts on the most serious problems in law enforcement.

Thus, my proposed bill targets LEAA funding on three critical crime problems.

The bill makes an all-out attack on crowded courts and trial delay by allocating 40 percent of LEAA action funds to solve those problems. It would require States, in order to receive these funds, to develop multiyear plans for expediting the processing of criminal cases. It would treat the criminal trial process as a whole, providing funds for courts, prosecutors, defenders, and supporting agencies. These unified approaches should ensure that no single component of the process becomes a bottleneck.

An Office for Speedy Trial would be created within LEAA, to coordinate and monitor state efforts, to provide technical assistance, and to determine whether programs are working.

Two important protections are built into the speedy trial section. First, courts would participate in coordinated planning, but would receive funding independently of the state planning agency. Second, the states in which trial delay is not a problem would be permitted to use speedy trial funds as regular part C block grant monies.

Thus, without unnecessarily restricting any state, LEAA can undertake a massive effort to improve our criminal justice system.

The bill's second major focus is on juvenile crime. Juveniles commit half the serious crime in America. According to LEAA the peak age for arrest for violent crime is 18 years, followed by 17 and 16 years. The peak age for arrest for major property crimes is 16 years, followed by 15 and 17 years.

Juvenile crime is increasing at a terrifying rate. For example, according to the FBI, from 1973 to 1974 arrest of persons under the age of 18 increased 9 times faster than arrests of persons 18 and over.

The criminal justice system has been totally unable to cope with juvenile offenders. It does not know how to rehabilitate them. It does not have adequate treatment facilities or alternatives to incarceration.

Instead, the criminal justice system simply washes its hands of juvenile offenders. For example, while more than 25,000 juvenile arrests were made in New York City in 1975—including 6,700 for murder, rape, armed robbery, and felonious assault, fewer than 900 juveniles are now in the custody of State or privately run institutions. The rest are back on the street, presenting a continuing threat to the public.

Thus, LEAA must address juvenile crime and make a strenuous and sustained effort to control it. My bill will build on the Juvenile Justice and Delinquency Prevention Act of 1974. It assures that at least 15 percent of LEAA funds go to reduce delinquency and improve juvenile justice. It subjects programs in these areas to rigorous evaluation and reporting requirements. I am hopeful that these improvements will end the shameful and destructive neglect of juvenile crime.

The bill builds on the increased evaluation requirements of H.R. 12362, on the assumption that as evaluation becomes a normal component of all LEAA projects, it will be more useful. In addition, the bill requires beginning in the fiscal year 1979, that each State spend at least 25 percent of its block grant, corrections, and juvenile crime funds on programs that have already proven to be effective. Thus, while innovation remains a chief goal of LEAA, assurance is provided that some funds will be spent on programs that are already known to work. Part E corrections programs would be continued under the new program, and the bill continues the High Fear Crime program of H.R. 12362.

We must recognize that trying to do everything at once often produces nothing. Therefore Congress should define certain broad areas for the concentration of effort. Within those areas, Congress should not tell States what to do, but only provide assistance to allow them to find approaches that work.

Part C—the block grant section—provides additional funds so that States can meet their own particular needs. My bill, therefore, removes the "laundry list" of objectives in Part C. In addition because the priorities contained in my bill may not be relevant to a particular State, the bill allows a waiver of earmarking requirements.

Finally, Congress should reconsider the LEAA program in three years to determine whether a shift in national priorities is needed.

These are the directions in which I believe, LEAA must go in order to have the maximum impact in fighting crime. I realize, Mr. Chairman, that these are major changes and will require most careful consideration by this Committee. I also understand that the many months this Subcommittee and the full Judiciary Committee have spent trying to place some sensible and essential restrictions on the availability of handguns, have made it impossible to undertake a thorough revision of LEAA before the program expires.

For these reasons, I urge you to pass H.R. 12362, which contains the essential improvements I described earlier, but which only extends the LEAA program through the fiscal year 1977.

I hope this Committee will then turn its attention to a major restructuring of LEAA. hopefully along the lines I have suggested. It should be noted that Senator Kennedy has introduced the major LEAA reform effort in the Senate, and while his approach differs from that I will take in the bill I intend to introduce next week, it is an important effort and merits most serious consideration.

In conclusion, Mr. Chairman, I would note that whether this Committee at a later date ultimately chooses the approach suggested by Senator Kennedy, by myself or a different approach altogether, I believe that H.R. 12362 is compatible with, and an important precedent to any major improvement of LEAA. The changes H.R. 12362 recommends, while simple, are essential to beginning a genuinely effective Federal war on crime. I hope this Committee will act on it quickly.

Mr. CONYERS. I would like to welcome the distinguished Senator from Massachusetts. We know that he has served on the Senate Judiciary Subcommittee on Criminal Law and Administrative Practice and the Committee on Labor and Public Welfare.

We welcome you to the subcommittee to speak with reference to the authorization of the Law Enforcement Assistance Administration. Mr. McClory?

Mr. MCCLORY. Thank you, Mr. Chairman.

I join with the chairman in welcoming you, Senator. I know you are very interested in legislation relating to law enforcement and criminal justice, and the subject of the National Institute, which was one of my special interests on legislation when it was first enacted, and continues to be.

Mr. CONYERS. Senator Kennedy, we have your prepared statement, and it will be incorporated in the record at this point, and we are looking forward to your discussion. Welcome.

TESTIMONY OF HON. EDWARD KENNEDY, U.S. SENATOR, STATE OF MASSACHUSETTS

Senator KENNEDY. Thank you very much, Mr. Chairman, and members of the committee.

I want to first of all say how much I appreciate the chance of testifying on a matter of very considerable importance to the Congress and the American people; and I want to acknowledge the very important work that has been done by you, Mr. Chairman, and the members of the committee in focusing attention on this particular issue.

I appreciate being able to file the statement as read with the Chair, and I would just like to highlight some of my particular concerns. I know you started early this morning and have a very full roster. I want to just highlight the principal points which I am very much interested in.

I welcome the chance, Mr. Chairman, to testify on this issue. I think if you were to try and provide a public poll among the American people, you would probably find—at least in my part of the country, and I imagine most parts of the country—the restoration of the economy being No. 1; concern about energy problems, No. 2; and crime, No. 3. It varies in different parts of the country, and perhaps varies in the cities of the Nation, but these are three issues that are high in the minds of the people of the country.

It is interesting that we get such a response by the Congress in the area of the economy. We have the Joint Economic Committee that is tireless in its pursuit; we have the various respective committees of the Congress that offer alternatives, and I think they play a constructive role, representing the two great political parties of the country.

We have scores of committees that are concerned with energy, and they are tireless in their discussion and debate on energy issues; but there really hasn't been the kind of dialog and discussion in the area of crime, crime prevention, crime control, and the entire system of criminal justice which this issue deserves.

I think you and I perhaps remember the not too distant past when the slogans of "law and order" and "domestic tranquillity" really

blunted any kind of intelligent discussion about this issue. People were either hard or soft on crime, and this obviously took away from any kind of intelligent discussions of the issue. I remember back in 1973 we had the extension of the Law Enforcement Assistance Act, and we only had 2 days of hearings on that. And, looking back now over the period of 7 years, we expended maybe $5, $5.5 billion on the whole LEAA program, and we have really not provided the insight, the oversight, the really critical analysis which Congress has been willing to give to a variety of other programs.

And so, we have had in the Judiciary Committee in the Senate an extensive review. I have offered an alternative to the LEAA program, and I would like to mention very specifically and briefly the principal points that this legislation has focused on.

First of all, it has focused on accountability and on evaluation. What we have seen over a period of time in the administration of the LEAA program, is the absence of accountability.

When the program was first offered, right after 1968, Senator Hart and I offered an amendment to try and put it within the Justice Department, to try and bring some kind of consolidation and accountability to the direction of the program which has not been successful, and has been an administrative nightmare.

So, I think it important that we have detailed accountability to the Congress. First of all, providing information to the Congress about what works, what doesn't work, what is going to be tried; and we have built into our legislation important provisions for accountability to the Congress, and obviously, we have a responsibility to provide oversight.

Second, we provide important accountability in evaluating the various different State programs. What programs have been accepted; what programs have been rejected, the reasons for this. What is happening to the money that has been appropriated. You are familiar with the fact that moneys have been appropriated because programs have been approved, and yet such moneys are still remaining in banks throughout this country because the programs are not actually being implemented.

We need much greater accountability within the department, we are specific in making the deputy administrator of the administration accountable in these areas, and we spell out in very considerable detail in the program what we are looking for in terms of accountability, on page 20 of the legislation—and I won't take the time of the committee to go into that. But we are interested in terms of any recommendations you might have in this area.

Third, we place very important emphasis in the area of court congestion. After we get through the procedural aspects of the program, which I think are very important, we recognize the importance of court congestion; what can and must be done in order to provide a system of justice to free the innocent, Mr. Chairman, and also to bring accountability to those that are involved in violations of the law.

It is absolutely a tragedy, in terms of court congestion. There is no State where the situation is worse than in my own, Mr. Chairman; and therefore we provide in our bill procedures by which pursuant to the highest court official of the State we develop independent planning agencies to focus on court congestion; to make recommendations to

the State agency, and if not resolved in a satisfactory way, to be able to go directly to LEAA.

Also, we allocate a third of the discretionary funds—15 percent of the total money—to be used to alleviate court congestion.

So, we tried to build into this program a priority in the area of court congestion which we think is of great importance. LEAA really hasn't done the job. Their testimony before the Judiciary Committee mentions that approximately 6 percent of their resources are devoted toward alleviating court congestion—the GAO figures it to be less than 3 percent. It's an area we feel, and I think those that have examined the whole criminal justice system feel is absolutely essential.

We also provide a provision for communities, whether it's cities or rural communities, that have high incidents of crime, allowing them to make direct appeals for block grant assistance; to make that appeal to the State agency and be able to benefit from that.

In a time when we are prepared to provide block grants for a wide variety of revenue sharing, in a wide variety of different areas, we should try to do something in the law enforcement area. We find that in a number of instances communities—whether it's the cities of the country, or other local jurisdictions—have, I think, behaved more effectively and more efficiently than some of the statewide programs.

These are some of the issues, Mr. Chairman, and I will be glad to discuss the others. The thrust of this legislation is to try and recognize the importance of accountability, both at the LEAA level, as well as in the States and the communities; try to target the principal area of court congestion where we think a major breakthrough can be effected; to include in the development of the various LEAA programs priorities for attacking crime against the elderly people.

With a shorter authorization period and tighter oversight by Congress, I'm very hopeful that the 60 percent increase in crime that we have experienced since the enactment of the LEAA program can at least be altered and changed to go in a downward direction.

Factually, someone born in my own city of Boston today, with the growth of crime in the city of Boston, has a 96 percent chance of being a victim of some kind of serious incident or crime.

What we want to do is try and see where the Federal Government can help find a way to attack this problem. Any of us who support LEAA recognize primary local responsibility; we are only providing about 6 percent of the total moneys that are going to be expended in the war on crime. We can't expect that the Federal Government is going to resolve all of the problems, but what we can try and do is hopefully benefit from the successful experiments that have taken place in local communities and States and try and project these experiments to other communities, thus making some meaningful progress in this battle.

I do submit that the approach which we take in S. 3043, provides a better effort to try and deal with crime than the current LEAA program.

Mr. CONYERS. Senator, your proposed bill is quite appropriate to the nature of the problem, and I can assure you that this subcommittee will give it full consideration.

Now, about the fact that your citizens in Boston have a 96 percent chance of getting involved as crime victims, perhaps we ought to

congratulate them, there are probably areas where they have a 200 percent chance of getting involved in crime, and that is more than once in their lifetime.

I have several areas in which, it would seem to me, I would be remiss if I did not consult you for advice, and here they are:

First: This subcommittee is searching for a national program of the Government in combating crime. Is there one, and if so, what is it; and how has it failed, or succeeded?

Second: I am concerned about the fiscal relief nature of the LEAA. After all, local jurisdictions want Federal money any way they can get it; and many of these programs are really just ways of getting money. I am sure we are going to have mayors testifying here after you who don't care how they get money into their municipalities. What they need—in the face of shrinking resources, a diminishing tax base, the flight of the more affluent citizens from the central parts of the city—is Federal money in any way, shape or form; and the fact that this money—the billion dollars—is spread across the States, serves that purpose.

Suppose I stop there and allow you to comment.

Senator KENNEDY. Well, we are talking about one of the major problems that we are facing—I consider it the No. 2 problem on my domestic agenda—and that is, how do we make the cities livable places, and how are we going to provide them with the capital to make them livable places.

We can understand why the mayors want every single dollar they possibly can get, but as you and I might discuss at another time, these are basically mandated approaches toward this problem. I know there are some important things that can be done, and I know we both had a chance to testify before the Ways and Means Committee, and worked with a colleague, Congressman Reuss, in terms of providing alternatives in the municipal bond area, taxable bonds for capital formation in the cities.

But this is a very, very complex issue that we as a country ought to be addressing. Eighty percent of our people live in metropolitan areas. I'm absolutely convinced, as someone who now represents a State with some troubled cities, that if we were able to make the Charles River in Boston virtually a potable drinking place for relaxation and recreation, do something about the problem of health and jobs and housing up there, and do something about the security of the streets in the black and white areas alike, I think people would flock to the city of Boston.

So, you mentioned the real problem, and I don't want to appear to be unresponsive to your question, but I understand why mayors want to get every dollar that they possibly can in trying to keep the cities afloat at the present time. I don't think there is a job in the Government that is more difficult, or challenging.

But I do think it's fair, Mr. Chairman, having said that, to recognize what the mayors have done in the area of crime control. We took a very careful look at what the mayors have been doing, and quite frankly, it is an impressive job. I think that generally the money that they have been spending in the local communities has been more wisely spent than that which has been distributed, generally, by the States. The States have concentrated more on types of hardware; in the local communities it has been, I think, more effectively used.

Mr. CONYERS. But, should we consider the LEAA a program in which cities use it to keep the hardware in police departments, or buy communications networks?

I mean, as important as these things are, God knows, coming from Detroit I would be the last one to lay off one policeman, or disorganize the department any more than it has already been. But the point still remains: Is that what we conceive the Law Enforcement Assistance Administration to be doing—just pumping money in to buy things, to buy policemen and pay time-and-a-half? Isn't there some grant or scheme that ought to be emanating from somewhere about how we approach this whole question of escalating crime, and the fear of crime in America?

Senator KENNEDY. Well, I couldn't agree with you more, Mr. Chairman. If you take, for example, the average time the police official spends in the city court systems, in the city of New York, and gets overtime waiting for trial, they average 10 to 12 times a visit before they actually have their case called up; and they are getting time-and-a-half, or double time for doing that. If you just took that amount of money and eliminated that, you could afford more judges and more courtrooms, and get swifter justice.

The point that I would make here, I'm not a criminologist, but what we really ought to do is try and find what is working and what doesn't work; and what we ought to try and do. I'm for experimentation. We are not getting the evaluation we ought to get. We ought to be able to say, "They seem to have a program here that seems to be effective, let's try that," and then come back in 2 or 3 years and do a hardcore evaluation of what is and what is not working.

This legislation that I have introduced does do that; the present LEAA does not do that. Once a State has a program, that's the end of it as far as any effective kind of accountability. They are not even sure that the money is actually expended after it's approved.

I would agree with you that a fair evaluation is what we really ought to have, so we will know what does, and what does not work. Quite clearly, what has been done today doesn't work.

Mr. CONYERS. Mr. McClory?

Mr. MCCLORY. Thank you, Mr. Chairman.

First of all, let me say you have made some important statements and important contributions to the work of our committee.

I think we should recognize, and your testimony indicates that the LEAA and the Federal role insofar as law enforcement and criminal justice is concerned, is a limited one. It is one in which we try to provide support and guidance, and direction to local and State law enforcement officials, and not to assume the enforcement of local and State laws, either through any type of Federal policing agency, or for that matter a Federal criminal justice system, except to the limited extent that we have Federal crimes and Federal jurisdiction.

However, in augmenting the Federal role of oversight and evaluation, it seems to me—and I don't have your bill in front of me—I am wondering whether you do recommend that the National Institute on Law Enforcement and Criminal Justice be clothed with that evaluating authority.

Would you agree that that might be an appropriate agency for handling the evaluating, and perhaps disseminating of the result of the evaluations?

Senator KENNEDY. Well, I think that can be very helpful in the process of evaluation. What we have provided in the legislation under part F is that the administration shall establish under the direction of the Deputy Administrator, for the administration of LEAA, in accordance with the provisions of 515:

> Such rules and regulations that are necessary to assure proper auditing, monitoring and evaluating by the Administration of local comprehensiveness and the impact of programs funded under this title, in order to determine whether such programs submitted for funding are likely to contribute to the reduction of crime and juvenile delinquency.

So, we give the ultimate authority here to the Deputy, but I think the Institute could be very, very helpful. I just mention one other provision, and that is to report to the Congress on that. This is on page 19, "On December 31 of each year the Administration reports to the President and the Committees on the Judiciary on activities pursuant to the provisions of this title during the preceding year, and they shall include * * * ," and then I list these.

It calls for a very detailed explanation of the policies and priorities, and an explanation of the procedures followed by the Administration in reviewing and evaluating—what criteria did they use to evaluate various kinds of programs, the number of programs that have been approved, the number that haven't been approved and the reasons for disapproval; the ones that have been funded and where the money has not been expended, and a financial analysis.

Mr. MCCLORY. I agree entirely, in the first place, you can't have 50 evaluating agencies and expect to have any national results, you are just going to have 50 separate, disconnected results.

And furthermore, I tend to agree too with the reports to the Congress, that will be an opportunity for us to see the activities, and the evaluating would be useful.

I'm concerned about one recommendation which was included in the Chief Justice's "State of the Court" report, and that is that we should convert the National Institute on Law Enforcement and Criminal Justice into some sort of a hybrid criminal law-civil law agency.

I couldn't tell from your testimony, and especially when you talk about court congestion, whether or not you want to try to work in civil law in the overall LEAA activity. I'm worried about that because I think we would get into a horrible morass if we get into the whole State and local civil law activity.

Senator KENNEDY. Well, Mr. Congressman, I would agree with you. I think LEAA ought to focus primarily on the criminal aspects of the problem. There is no question that by expediting court congestion in criminal cases, you have a direct relationship with a more expeditious handling of the civil cases. That is bound to happen.

But LEAA ought to be focused and directed toward the criminal law.

Mr. MCCLORY. Well, I think after having carefully studied your bill, we should give active consideration to it.

You are in apparent support of extending the LEAA program with modifications. Would it be a 5-year extension?

Senator KENNEDY. No, we are down to a 2-year period.

Mr. CONYERS. That long? [Laughter.]

Senator KENNEDY. That's right, 2 years.

Mr. MCCLORY. Thank you.

Mr. CONYERS. Would you consider, Senator, for future discussion about the nature of crime, and the relationship between governmental crimes, corporate crimes, and citizen crimes? We would be very pleased to discuss that.

Senator KENNEDY. Sure.

Mr. CONYERS. And on the matter you testified to here, you can be assured your proposal will be given very careful consideration.

Senator KENNEDY. I want to thank you and the committee for the generous time in permitting me to testify; and I want to thank Congresswoman Holtzman for her introduction of legislation, and thank her for her remarks.

Thank you very much.

Mr. CONYERS. Thank you very much.

The subcommittee will stand in recess for 3 minutes, and then we will resume with the testimony of the mayors from New Jersey, New Mexico, and Maryland.

[Whereupon a short recess was taken.]

Mr. CONYERS. The subcommittee will come to order.

We are delighted to welcome three mayors, representing the National League of Cities, the United States Conference of Mayors, the mayor of Newark, N.J., Kenneth Gibson; the mayor of Albuquerque, N. Mex., Harry Kinney; and the mayor of the city of Baltimore, Md., William Schaefer.

Mayor Gibson has been the mayor of Newark, N.J., since July 1970; he has testified before this committee many times.

Mayor Kinney was named chairman and ex-officio mayor of Albuquerque, N. Mex., in 1971, and has served on the city commission since 1966. He has a background of governmental activities of many years.

Mayor Schaefer is now in his second term and has previously served on the Baltimore City Council. While on the city council Mayor Schaefer was a member of several committees, and was chairman of the Judiciary Committee, and was elected president to the council in 1967.

We have here the statement from the National League of Cities, as well as the U.S. Conference of Mayors, which will be incorporated into the record without objection.

We, on the subcommittee, collectively welcome you as municipal leaders at the firing line, and the focal point of so much activity, so much controversy, so much concern in the matter that brings us here.

Upon seeing our distinguished colleague from Maryland here, Mr. Sarbanes, with the mayor, I yield to him at this point.

Mr. SARBANES. Thank you very much, Mr. Chairman, and members of the subcommittee. I will be very brief. I welcome this opportunity to come with the three mayors that are representing the National League of Cities and the U.S. Conference of Mayors, Mayor Gibson and Mayor Kinney, and of course my own mayor, William Donald Schaefer.

I want to say just a word about the program as it has worked in Baltimore, and I know Mayor Schaefer will elaborate on that, but I think we are operating one of the best programs in the country,

and I think that is due largely to the mayor's foresight and planning with respect to the program.

He established a Criminal Justice Coordinating Council at the very outset, to improve communications between the various components of the criminal justice system, and to establish priorities for the use of LEAA funds.

I think the mayor in the course of his testimony will bring to the attention of the subcommittee the imaginative and innovative programs that they have instituted with the LEAA funds. I think you are going to see instances not of the sort of activities that lend themselves to criticism because they are simply more of the same, or as has sometimes been pointed out, are simply replacing one kind of dollar with another kind of dollar; but instances where these resources have really been used to try some different and new approaches which have had a successful impact, and which have worked well.

I know the problems these mayors face, they are, as we say, on the firing line day in and day out with respect to very difficult and complex problems, and I know that the testimony that they are going to bring to the subcommittee will be of extreme importance.

Thank you, Mr. Chairman.

Mr. CONYERS. Thank you very much.

The gentleman from Illinois, Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman, very much. I want to extend a bipartisan welcome to these distinguished mayors and look forward to their testimony.

Mr. CONYERS. I would like to yield now to the chairman of the full committee, Hon. Peter Rodino of New Jersey, who himself was chairman of the Subcommittee 5, which shepherded through the LEAA in 1973, when it was last authorized. Mr. Chairman?

Chairman. RODINO. Thank you, Mr. Chairman.

Thank you for giving me this opportunity. First of all, I would like to say that I welcome the mayors of the cities of Newark, Baltimore, and Albuquerque; I am delighted that they come here representing those great cities, the National League of Cities, and the U.S. Conference of Mayors.

I'm especially pleased, of course, that I can welcome here this morning a very distinguished mayor, the mayor of the city in which I reside, and in which I have resided all my life; a city which has a proud history, and yet a city that has met with turmoil and strife.

And at a time when it was seething with all of these problems, we had the good fortune of having elected the first black mayor who has shown that he is a mayor in the sense that he doesn't recognize the distinction between people, but is concerned with people's problems.

In these very trying times he has been tested, and it is really a privilege to be able to say publicly, he has shown a sensitivity, understanding, and compassion, and a true dedication of what it means to serve people. And for all of that I think the city of Newark, which is still undergoing difficult times financially and otherwise, has found some stability, has found some hope; and I think this in great measure has been due to, Mayor Gibson's leadership.

I'm delighted to welcome you here at this time, especially since you will be assuming another responsibility in June as the chairman of

the U.S. Conference of Mayors, where you will be expressing the concerns of the mayors who serve the people, who are nearest the people in our great urban areas. And surely you can speak with the voice of understanding that will impart some kind of information that will serve as a guideline, especially in Newark, N.J., where I have sadly seen the crime rate rise.

And yet, despite all of this, the efforts that are being made are such that I think Newark can at this time assert stability, in comparison with other cities, especially in view of the fact that we are concerned with this problem of law enforcement assistance.

We know the great concerns that we have as taxpayers about spending money, and spending it without bringing back any benefits, any advantages, especially in an area such as this, which plagues all of us.

I know that we are not going to solve the problem of crime today, we are not going to solve it tomorrow, but hopefully, through programs such as this we might find some answers. I must say that I have been encouraged by some of the work that has been done through you and the people responsible for administering the programs that LEAA has funded.

I would just like to direct two phases of questions to you in that area because you have dealt with these matters, and I think they are going to be of great interest to us as we labor over what we do with LEAA.

Particular areas, Mayor Gibson, are, one, the effect, benefits, if any, from the high impact anticrime program which was inaugurated by the LEAA in 1972, which involved eight cities, and among them was Newark, as one of the pilot cities.

This program was designed with such goals as to reduce crime, or generally improve the system of criminal justice, its capability; and I would like to direct to you this question.

Should the money for this program, if continued, concentrate on the goals of reducing crime in certain areas, especially, assault, burglary, robbery, and murder?

In view of the fact that you have had experience with this since you assumed the office of mayor, can you tell us how this crime specific planning has really worked in the city, whether it had a beneficial effect, or just how you measure it?

TESTIMONY OF MAYOR KENNETH A. GIBSON, NEWARK, N.J.; MAYOR HARRY KINNEY, ALBUQUERQUE, N. MEX.; AND MAYOR WILLIAM D. SCHAEFER, BALTIMORE, MD.

Mr. GIBSON. Yes, Mr. Chairman.

First of all, I want to thank you for those compliments. I feel that I have been fortunate in being able to learn from those people that have been in the arena prior to my being elected in 1970, and you are certainly one of those I learned from, including the chairman of this subcommittee, being from Detroit.

We have, I think, benefited greatly from the impact of the program as it has been administered in the city of Newark. We had some problems, no question about that, but we have dealt with police, courts, parole, legal processes of prosecution, and defense in the city of Newark.

We also dealt with the problem that older cities, especially those that have high-rise housing projects as we have in the city of Newark, providing security in those buildings, greatly benefiting from the impact of funds that related to that program.

As you know, we have funded a security force in the public housing projects in the city of Newark, and we believe that program has been a tremendous success; there has been a reduction of crime and attempts that previously existed in our high-rise public housing.

We dealt with street crime test programs; we dealt with diverting other people from the criminal justice system, first offenders. We dealt with the team policing concept in one particular area of the city of Newark and have greatly reduced crime in that area, and that happened to have been one of the highest crime areas in the city. So, we benefited from the program.

We think that it could be of benefit, at least the concept could be of benefit to other cities around the country. At the same time, I would not want to say that a 5-year extension of this program be made at the expense of other programs, LEAA programs in the country; that is just one of the problems we had with the proposed 5-year program that has been proposed by the administration. We feel, and we analyzed it, that there is a reduction in the potential for improvement in other LEAA programs because of, say, 10 or 20 cities, or high crime areas that would benefit under the administration's proposal.

Chairman RODINO. Mayor, you mentioned one of the programs that I am particularly involved in, trying to get LEAA continued, and that is the program which you instituted, the security guard program in public housing projects.

I am not going to ask you now to supply detailed information, but I think it would be of interest to this committee for you to provide the committee with that information. As you will remember, you and I and others went to the various housing projects, we talked with the people in the housing projects, the senior citizens and others, and we found then that those people felt more secure, they were reporting attempted crimes. As a whole I think that the moneys that were expended were expended wisely and beneficially.

I think it's important because these are the kinds of things the committee should know about.

You talk about TASC (treatment alternatives to street crime) which is of tremendous interest to me. I am deeply committed to doing something to combat this problem of drug abuse. Cities, as we know, seem to be plagued in this area. Drug addiction is on the rise because of the continuing flow of illegal narcotics. It's a profitable business, and these profiteers are not going to stop, no matter that it destroys the youth of our country. It takes a terrible toll, not just in money, but in lives.

TASC has been a very beneficial program. Drug-related crimes account for more than 60 percent of the crimes that are committed in the streets of America today. Especially in this time of high unemployment and economic distress drug addicts look for the finances to be able to supply their habit. I was shocked when I recently saw a report that clearly stated that women who are now drug addicts are committing crimes of violence.

But TASC, the fact that you have had this experience, and knowing that the question of recidivism is important, I would like to ask whether

or not you think that, with the experience you have had with the TASC program, do you think it should be expanded into more cities.

Mr. GIBSON. I think the program should be expanded. We have not been able, after 8 months, we have not been able to really say that a reduction in recidivism can be proven in an 8-month period. We believe the experience we had is encouraging so far to the extent that we can say—and there are reports from other cities—we think the program should be expanded in response to the needs of people who in my opinion could be considered as victims.

Chairman RODINO. Minority groups.

Mr. GIBSON. Sure. And in a situation where they are victims, in many cases we have found they create more victims because of their entry into the crime field.

Chairman RODINO. Finally, Mayor, the members of the subcommittee will be going into more detail, but, could you say that as a result of your experience with LEAA and this program, high impact program, you have been afforded the knowledge, the experience, the background to be able to assess the problem of crime.

Do you think—at least we know the mistakes we made—what direction we should go in now?

Mr. GIBSON. Definitely. I think that based on the study, and based also on our experience in the city of Newark, we have made some mistakes on the national level and the local level; at the same time, I think, we have had some successes which can be used in any kind of coordinated criminal justice planning in the future.

Chairman RODINO. Well, Mayor, I thank you and the other mayors for coming here this morning.

I thank the chairman of the subcommittee for graciously allowing me the time.

Mr. CONYERS. We appreciate it, Mr. Chairman. I have always personally admired the mayor of Newark, he has that rare ability to stay calm and cool, no matter if the city is blowing up or burning down, or if there is an international crisis—he never changes, and that is a characteristic I have come to admire greatly.

Before we begin with his testimony, I would like to ask Mayor Kinney if there are any preliminary observations he would like to make.

Mr. KINNEY. Thank you, Mr. Chairman. I just wanted to echo our appreciation for Mayor Gibson, as Chairman Rodino has stated. There are no two cities that could differ more greatly than Newark and Albuquerque, and I serve on the committee of the Conference of Mayors, the Nominating Committee, that elevated Mayor Gibson to the position he will assume this July.

We are a spread city, we have more than 80 square miles of territory; Newark is a very compact city. We are a relatively affluent city, but we too share the official distinction, for 2 years we did lead the Nation on crime, according to the national statistics. Fortunately, within the last 2 years we have brought ourselves down to about 30th in the Nation. It shows that crime plagues all cities, Eastern cities, spread Western cities; we all have the very difficult problem of facing that.

Mr. CONYERS. Might I just ask, what characteristics would you ascribe to the ability of your city to slide from 1 to 30th in a period of 2 years?

Mr. KINNEY. Of course, we do have to give some credit to the LEAA funds, and the coordination of activities within our city. During the last 5 years we have more than doubled the budget of the police department; part of the funds were made available through revenue sharing. We allocated our first year's revenue sharing to hire an additional 100 police officers. The number of police officers is certainly not the overall answer, but it does help. And the understanding and communication we gained through coordinated programs through LEAA has certainly helped.

We are talking frequently to all levels of our criminal justice system, prosecutors, the courts, State functions, and that has helped. We have just been able to get a handle on a very difficult situation.

Mr. CONYERS. Thank you very much. Mayor Schaefer, do you have any observations you would like to make, as a veteran mayor?

Mr. SCHAEFER. I don't know whether I'm a veteran or not.

I would like to start off by saying that whenever I come to Washington before a congressional committee, I think it's important to let the committee know that the city isn't going down the drain. Baltimore is alive, moving forward. It has its problems but is attempting to solve them.

If you come over to the city you are not going to be knocked on the head; there isn't crime on every corner. One of the things that concern me is the overemphasis on crime that causes the people in the city to be so overwhelmed by fear that they can't see the progress that we are making.

In my formal testimony I give you some specific examples on how we use LEAA funds in a way that I think was innovative, new; and that we would not have been able to do had the funds not been there. I think without the funds we would have been worse off. I think there has been a definite improvement by virtue of the money that has been allocated by Congress.

Another thing I would like to say, that all cities, when we get the money, we are not all failures. Public service employment has been one of the great programs as far as the city of Baltimore is concerned, LEAA funds having been a great help to us.

So, the money that you appropriated isn't just thrown down the drain; isn't just wasted; it isn't lost, it really directly affects the people in a positive fashion.

So, I come and start off not in a negative vein but in a positive vein because the things that you have been able to provide to us have been used properly. I think all the mayors can say the same thing.

When we come over we never let you know anything is right in the city. I would like to say, there are some things that are right in all of the cities. In Albuquerque recently, I wasn't worried on the street that everybody was going to hit me, I was going to be knocked on the head and lose all my money—just the opposite. I think we ought to look just a little bit in perspective just what's happening in the cities.

Another thing that I think we would all say, we need more discretion in how we handle the programs. Some of the programs that Ken has will not work in my city; some of the programs that I have will not work in Ken's city, there is no question about that. There isn't anyway where you can say, "Okay, here is a total plan, apply it to Baltimore, Albuquerque, apply it to Newark," it's not going to work, it's not

going to happen that way. People are different, situations are different, all those things. So, we think that on the local level more discretion should be given.

Mr. CONYERS. Well, how much more discretion should be given? We have funded 100,000 individual projects, should we go to a million?

Mr. SCHAEFER. I heard you say that during the last hour, we don't have 100,000 different projects down there; we have projects that we think can work. And by discretion I'm saying that the local level should have the discretion on what the programs are, rather than going through the State planning agencies in all respects and having to prove that we are right. That's what I'm saying.

Mr. CONYERS. Well, if there are 100,000 programs and you have 100 going, how is the mayor of Albuquerque going to know which of the 100 are working, and which aren't working? He may be involved in 100 of his own. Mr. Gibson may have 200 of his own. So, we quickly get to the figure of 100,000. Everybody is experimenting and using their own discretion. And there is no coordination, according to some of the witnesses, in terms of any kind of evidence of which programs are succeeding, and which aren't. That is the problem we face.

Mr. SCHAEFER. OK, let's take the one the chairman is so interested in, the one involving public housing. We have an excellent program going, one of the best programs of all. I don't know whether Ken had it first, or I had it first. If I learned it from Ken, I certainly wasn't afraid to use it in Baltimore because it was Ken's program. I think there is an exchange by mayors on successes, and there is also an exchange by mayors on failures. I'm not picking up failures that Ken would have had.

What I'm saying is, there can be many innovative programs, there can be a hundred different programs that can be applicable to Ken's city and that can be applicable to my city. I don't think that it is a totally disjointed program that we have, I think there is some organization and that we do know most of the successes that are going on.

Mr. CONYERS. You know, in Detroit we have a coordinating council, and we tried to connect not just the city, but the city and the county together, so that they are working on programs. We know they have the same criticism to voice, that they don't get enough leeway, enough leverage, enough discretion to put into operation programs that will be cutting across State court systems, city criminal justice systems. They get strangled in bureaucratic redtape, trying to figure out how to do this, complying with the SPA, and also with the LEAA in Washington.

Much of that redtape has nothing to do with the net operation of the program, there is no coordination on the effectiveness of the program, and thereby we lose a great deal of efficiency, it seems to me. Would you agree?

Mr. SCHAEFER. Not from the standpoint of Baltimore.

Mr. CONYERS. Would you agree?

Mr. GIBSON. We have a better relationship at my local level with our coordinating council and State planning agencies than apparently exists there. I would not say, though, that that doesn't exist in other places outside of Detroit.

Mr. CONYERS. Would you agree?

Mr. KINNEY. No, I would not. I happen to belong to a local coordinating agency, and I think one real difficulty with the local agency is it will look over programs and almost recommend anything because the final decision is being made in the State. I think if it were an automatic passthrough, then in Albuquerque the local agency would have more strength, and it would probably be more piercing in its look at programs.

Mr. CONYERS. Well, then why do you need more discretion if you don't have any trouble with the SPA's in the State; what's the problem?

Mr. KINNEY. I think we do have the problem, if there was a specified passthrough from the State to the major cities where we have a well-defined what, we call Metro Planning Agency, that planning agency would be more meaningful in its action at the lowest level where it would do the most good.

Mr. SCHAEFER. That's right. We are talking strictly about the length of time and redtape to get the program into operation. A couple of years ago we saw everything disjointed, as you said, the courts doing their thing; the police doing their thing, there was no coordination. Now, that was a number of years ago.

We formed a Coordinating Council on Criminal Justice, and it has worked very well, it has coordinated those and is beginning to show some of the benefits that arise out of that, as we show in the testimony.

What we are saying is that the redtape on getting the plans approved on the upper level—it would be far better if it would come to us where we have the direct contact with people on the street who are directly affected.

I've been listening for about an hour on evaluation. How do you evaluate? One of the most difficult things is an evaluation, we think we can evaluate a program. One thing I'm not afraid to do, when a program isn't working, we stop it.

Mr. CONYERS. Well, that's fine, but here in Washington, in a building not far from here is LEAA with 100,000 programs, and all of them are not Mayor Schaefer's, or Mayor Gibson's, or Mayor Kinney's. As a matter of fact, many of them aren't mayors at all; they are private organizations, they are research groups, they are organizations that have gotten together to get the LEAA "buck." They could care less whether it works. They are hoping there is no evaluation.

And in fact there is no such mechanism existing, to market successful programs. I'm happy to know that Mayor Schaefer and Mayor Gibson confer on their programs, and Mayor Kinney gets in on it, but that's no way to run a shop from Washington, D.C.

There has got to repose in a billion-dollar Federal program some kind of predefined evaluation mechanism because the other several thousand mayors aren't going to know successful projects unless you fellows are going to spend half of your working year talking about programs. That, gentlemen, is the very real and severe problem that this subcommittee perceived.

Mr. GIBSON. Mr. Chairman, I don't think any of us have suggested that there should not be any evaluation from the Federal level. I think what we are saying is that in addition to that kind of an evaluation that deals with those programs that are separate and apart from some of the things that we are doing, that there are ways to evaluate them and we know a bit about on a local level.

Mr. CONYERS. I think your evaluation is what is critical, not somebody else's evaluation. But somewhere someone has to collect these evaluations and let people know of the Gibson successes in Newark, as well as the failures, so that we won't be trying out already proven unsuccessful programs. Some people take a poor program to another part of the country, and it is introduced as a new, innovative program. There may be 15 instances of failure that are documented, but nobody has disseminated that data. Do you see that as a real problem, as a national problem?

Mr. GIBSON. Yes, we do. If I might suggest, we have a formal statement that has been prepared, which I would like to submit for the record; but in addition to that we have excerpted from that formal statement portions that we would like to present before the subcommittee today. I think we may be able to address some of the concerns that would be questions from the subcommittee.

Mr. CONYERS. You think so?

Mr. GIBSON. I do.

Mr. CONYERS. Proceed.

Mr. GIBSON. First of all, I think it is important that we relate our appreciation for being able to appear before the subcommittee to deal with this very important problem.

Mayor Schaefer, Mayor Kinney and I appear before you, as you understand, on behalf of the National League of Cities and the U.S. Conference of Mayors. Mayor Schaefer will discuss some of the issues faced by impact cities, such as crime reduction, planning and evaluation, while Mayor Kinney, who is a member of the Advisory Commission on Intergovernmental Relations, will relate some of ACIR's recommendations on LEAA to the National League of Cities' and U.S. Conference of Mayors' policy.

We have, as I indicated, submitted to the subcommittee a policy statement for the record, which outlines the changes we would like to see in conjunction with any reauthorization of the LEAA program. Briefly, our statement calls for:

One: Greater local control over planning and priority-setting.

Two: Elimination of duplicative planning and project reviews by SPAs.

Three: Designation of cities and city-county combinations over 100,000 as prime sponsors to receive direct block grants; and

Four: Greater local responsibility for the evaluation of LEAA programs.

Of course our oral remarks are intended to review and clarify our position on these issues, after which we will welcome any further questions.

In his testimony before this subcommittee on March 4, LEAA Administrator Velde stated,

> LEAA's experience in programs aimed at high crime areas indicates that there is a need to be even more directly responsive to the needs of these jurisdictions.

Now, we agree that this need exists, but have serious concerns with the specific mechanism by which the Administrator proposes to meet it. That is, a $50 million per year discretionary program aimed at "reducing crime in heavily populated urban areas."

Let me first make it clear that we do not oppose the concept of a high crime area program. In Newark, we have learned a great deal from our experience with the impact cities program. Our success in reducing crime showed the benefits of both crime analysis and criminal justice planning at the local level.

We do not support the administration's high crime area program for a number of reasons. The National League of Cities' and U.S. Conference on Mayors' policy calls for greater involvement of localities in the planning and funding of local LEAA-funded programs. The administration's proposal gives the appearance of being more responsive to these concerns, but it actually does not change the current structure by which priorities are decided and funds are spent.

For example, under the impact program in Newark, we were continually frustrated with the time and effort we had to spend in getting our programs approved by both the SPA and LEAA's regional office. Too often, programs which we felt were necessary in Newark were rejected by the regional office. Such rejections were not always based upon lack of funds, but upon the notion that the regional office knew what was best for Newark. The high crime area proposal does nothing to alter this situation, which exists not only in Newark but in most major cities and counties. To state it bluntly, this proposal does not satisfy the need for the LEAA program to become more directly responsive to the needs of the major urban areas.

When the high crime area program was first proposed last summer, we understood that funds for implementation would be in addition to the existing LEAA appropriation. The administration's fiscal year 1977 budget request, however, includes a $60-million reduction in the formula State block funds and a $10-million reduction in discretionary funds awarded by administration discretion. Thus the $50 million line area request for the high crime area program comes directly out of existing block grant and discretionary funds.

At this time, LEAA is contemplating the selection of 12 to 20 jurisdictions for participation in the high crime area program. Since this proposed program will benefit a limited number of local jurisdictions, its $50 million cannot compensate in any way for the drastic loss of funds within the other two action categories.

While there is still a great deal of merit in the concept of a high crime area program, the funding arrangement and the small number of cities which will participate preclude our endorsement of this program.

Mr. CONYERS. The high impact program?

Mr. GIBSON. The administration's proposal as to the 12 to 20 jurisdictions.

The program as presently drafted renders marginal benefits for a limited number of local jurisdictions at the expense of the remaining jurisdictions. In addition, the new category of funding will require a new and separate unit of bureaucracy within LEAA to administer the program, both at the State and Federal levels. The concepts of crime analysis planning and crime reduction programing might better be integrated into existing programs. We propose, therefore, that LEAA use the model of the crime analysis teams established in each impact city. LEAA could directly supplement planning funds in all major urban areas in order to develop such a capacity and transfer the best elements of crime-specific planning and programing. This would

accomplish in many jurisdictions what the high crime area program would achieve in only a few.

The National League of Cities and the U.S. Conference of Mayors favor the reauthorization of LEAA. We believe that it has led to improvements in the criminal justice system, that it has fostered a new awareness of criminal justice system problems on the part of local elected officials, and that it has given impetus to the concept of coordinated planning in the criminal justice field.

We do not, however, believe that a 7-year-old program is "still in its infancy" and deserves a 5-year reauthorization to lead it "into adolescence." The changing leadership and shifting priorities of LEAA have indeed led to a perpetual identity crisis, but a 5-year reauthorization without significant modifications to the program would do nothing to resolve present weakness. Therefore, we support a 3-year reauthorization which includes changes in planning, policymaking, and priority-setting procedures.

Mr. CONYERS. Could we compromise on 1 year?

Mr. GIBSON. I don't think so. I think, Mr. Chairman, that based on startup times that I have seen and problems associated with 1-year programs, that means that you spend a good deal of your time in planning for and getting off the ground, and very little time on actually implementing the program; that is why we think 3 years is a much more reasonable time. I think 3 years is better, certainly, than 1 year. We have very serious problems with all 1-year programs. Not that we don't take them, you undertsand, the programs.

Mr. CONYERS. Are there any circumstances under which you would refuse Federal funds?

Mr. GIBSON. Yes, we have refused funds.

Mr. CONYERS. Name one.

Mr. GIBSON. We have refused funds.

Mr. CONYERS. What was wrong with that Federal money as opposed to that which you accepted?

Mr. GIBSON. It allowed us not to do things that were impractical and not related to the needs of the city.

Mr. CONYERS. Have any of your colleagues ever refused Federal funds?

Mr. GIBSON. I can't speak for the other mayors. I know I have certainly refused Federal funds.

Mr. CONYERS. Have you?

Mr. KINNEY. Yes.

Mr. CONYERS. Mayor Schaefer, you haven't.

Mr. SCHAEFER. You know, I don't want to answer a question by "yes" or "no," and I tell you why. First of all, if we didn't get the funds, we wouldn't get the program. Let me take a program different from LEAA, "vacant housing program." One of the most successful programs that we have had in the area of housing was the "vacant house" program that was initiated in Congress. The Federal guidelines were too strict. If we had had a little more discretion on our level, we could have rehabilitated 2,000 houses rather than one; that's what we are talking about in local discretion.

In answer to your question, I don't remember any program that we have actually refused, but we try to adopt it to the city as best we can with the redlines and the redtape that are set on top of it.

Mr. CONYERS. Well, now, this question was not derogatory in nature, why should you refuse Federal money, after all, your tax bases are diminishing, there is urban flight in every city that I know about; and you have a growing responsibility in terms of the delivery that is demanded of you from the citizenry. It is a problem to the mayor of the city of Detroit who testified before Congress recently, that Detroit could very well end up in the same state as New York in the not too distant future, and he alluded to the fact that there were a number of other cities that were on the "possible" list.

So, there isn't anything wrong with your accepting Federal money.

Mr. GIBSON. Mr. Chairman, that's not the same thing, refusing Federal dollars, and saying there is something wrong with taking it because there is absolutely nothing wrong with taking the Federal dollar that is going to provide basic services in the cities, needed services. But there is something wrong with accepting Federal grants without proper planning when somebody calls you from Washington and says, "We have a pot of money, you send your application down here within 44 hours on two sheets of paper," and then we on the local level, the mayors, have to take the abuse that comes from the failure of some of the programs. We have turned down those kinds of requests simply because they are almost doomed to failure.

Mr. CONYERS. And in the long run it costs you more out of your hide than it is worth getting Federal money, period.

Mr. GIBSON. If I might suggest, Mr. Chairman, again, there are two other statements that I think should be orally presented before the subcommittee.

Mr. CONYERS. You know, we can talk about this as we go along, Mr. Mayor. I'm not going to have any questions at the end.

Mr. MCCLORY. If I might, Mr. Chairman, you know, this business about talking about Federal money, there is no "Federal" money, it is all taxpayers' money. I don't question that the Federal money you get back is not necessarily greater than the contribution that the community has already made. So, all we are doing is, when we talk about revenue sharing, is just returning part of the tax revenues that have been taken out of the "hides", as my chairman says, of the taxpayers to begin with.

So, when we consider the discretion with regard to the distribution of tax money, tax money as a concept and not as a differentiating between the local tax dollar or the Federal tax dollar—I suggest that the impact of your statement is that you want the same kind of freedom, you want to exercise the same kind of responsibility and accountability with regard to the utilization of funds under a Federal program that you are charged with exercising by the voters with respect to the tax dollars that come out of the real estate tax, or the local sales tax; is that right?

Mr. GIBSON. Yes, sir.

Mr. SCHAEFER. I would add another feature, I have no objection to the Federal Government analyzing our programs; but if they don't analyze them, then we should be able to analyze them and see if they are right or wrong. There is no objection, if you can find a way for analyzing the LEAA or public service employment, or vacant houses, or any of these. If we can't stand up under the scrutiny, then we shouldn't have the money.

So, I don't think, speaking for me—and I presume there isn't any real objection from Ken or from Harry—fine, come down and take a look at the program.

Mr. McCLORY. Would the chairman yield for a further observation? Almost all the testimony we have received from witnesses has emphasized the need for greater evaluation of the LEAA projects that are carried on, and the need for somebody doing the evaluating. Now, I think that in this emphasis of doing the evaluating of the effectiveness of programs, and the dissemination of the evaluations, that we should vest the responsibility in one agency. And, as the mayor of Baltimore indicates, they would have no objection to the Federal Government doing the evaluating.

What I am trying to urge here is that thoughtful consideration of the National Institute on Law Enforcement and Criminal Justice, which is the professional, the research arm of law enforcement at the Federal level be considered as the agency for doing the evaluating and disseminating the benefits of the evaluations, not only through literature, but through seminars, through regional contacts and things like that, so the various mayors in the different cities know what has worked in Albuquerque, and in Newark, and in Baltimore, so we can benefit from that without duplication. We could get greater benefits for our tax dollars through that kind of system, it seems to me, than we get through this hodge-podge distribution of billions of dollars to 40,000 different communities throughout the country, without knowing what's going on in the other communities.

Mr. SCHAEFER. Well, there are some duplications because some of Mayor Gibson's programs, if they are successful there, I'd like to analyze them and try them.

Mr. McCLORY. Right.

Mr. SCHAEFER. I would take his successes. I don't have any problem with prior authorship of accepting something that Ken has worked out in his city.

There is one other point on evaluations. Those who make evaluations have to determine whether they want the evaluation to end the program, or keep the program going. That is what sort of worries me, because if they get the intent from the Congress that this program should be ended, so we hire them to evaluate it and end the program. If they get that in mind and suddenly decide the program is not going to work, so they take all the failures and forget those that work well, and they may just be 50–50. You can do away with the bad, but that doesn't throw the successes down the drain. That is why I think we are trying to emphasize some of the successes that all three of us have had.

Mr. CONYERS. My colleague from Illinois developed a very important part of our discussion about evaluation. Realistically, we would want your evaluation, you are the executors of the programs. But the evaluation would have to be someone else's rather than your own.

Now, the question that you raised, Mayor Schaefer, is: Do the evaluators—the "Feds"—know what they are doing? I think just coming in and evaluating and saying: "This program is 51 percent so, therefore, it's out; it didn't make the 95 percent"—to evaluate whether it should continue, it should be strengthened, or it should be modified, or it should be instituted—I think these are legitimate questions, and the answers should really come from you.

What we need to know: Should the changes that are contemplated be promulgated in law, or are these regulations that you are talking about?

Mr. SCHAEFER. I would say regulations, at the beginning. I don't think any mayor—I must repeat that, I don't think I resent anybody coming down, evaluating a program, if you can get an outside view. I do resent an evaluation in which I am not consulted; in which only half of it is fact; and that is the latest result on the Mitre, that came forth. I didn't talk to anyone. Mr. Friedman, our man on criminal justice never had an opportunity to respond. That report, in my eyes, means nothing. That is not an evaluation. If you are going to come down, you look at the program, you talk with the people, talk with the people that are directly affected and find out their reaction.

Let's take this high rise program. You talk to the people in the high rise: "Is it a good program? What's wrong with it? What hasn't the mayor been able to do? Do you feel safer? Is there less crime in the area?" Not talking to me, I may say it's great, but get down and really evaluate.

I don't think any mayor is going to resent an evaluation like that. If the Federal Government isn't going to do it, then we have to do it with our people to analyze what we think is correct.

Mr. KINNEY. Mr. Chairman, I might point out on the point a communication that the mayors of our cities have through the U.S. Conference of Mayors and National League of Cities—there is a professional staff on the criminal justice program—and at each of our meetings we have a block, sometimes it's only two or three, sometimes three or four, talking about the criminal justice problems of the cities. They are sorted out by that staff, and speakers on the various programs—whether they are good or bad—will appear. Mayors and counselors will appear at those meetings, and we can get what we think is sort of the unvarnished truth. We usually have some idea on what we want to do, and the speaker gives us some word about other cities. So, that is a method of communication that has worked out very good.

Mr. CONYERS. Is Larry Bailey one of those?

Mr. KINNEY. Yes. We have three of them here. This is a voluntary organization; cities do not have to belong. They don't have to go to the meetings; they go because they think they get something out of it.

Mr. CONYERS. Let's proceed with the testimony, Mr. Mayor.

Mr. SCHAEFER. Baltimore is one of the eight cities receiving high impact funds from the LEAA since 1972.

Early in 1971, I recognized the need to establish a Criminal Justice Coordinating Council in Baltimore to improve communication between the various components in our juvenile and criminal justice systems, and to establish priorities for the use of LEAA funds. From the outset, the coordinating council has used Federal funds to develop common crime control objectives, reduce crime and improve the effectiveness of our police, courts, jail and prevention efforts.

We find, however, that LEAA funds by themselves will not reduce crime. Baltimore's total criminal justice expenditures amount to approximately $110 million annually, and LEAA dollars constitute less than 5 percent of this total. Every year, we receive approximately $2 million in LEAA block action funds to refund ongoing projects and initiate new efforts.

What you want to know, I would imagine, is whether all the LEAA funds help us—whether the funds make a difference. I believe that they do. LEAA funds allow us to try new programs; initiate new crime control efforts: something that we could not have or would not have done if these funds were not made available. We would not have taken funds from the existing budgets of the police department, the criminal courts, juvenile services or city jail to start our own high impact program. Each of those agencies needs its funds to maintain existing services.

On the positive side, LEAA funds have: Improved our planning and evaluation capabilities; provided needed training for police and prosecutors; developed drug treatment units in the Jail; established youth diversion programs in cooperation with the juvenile court; improved police communications; and started a preemployment program for youths between the ages of 12 to 16 years old.

The following projects have shown positive results:

The Baltimore City Jail Reception and Diagnostic Center examined all prisoners entering the jail and attempts to isolate violent and dangerous offenders from the rest of the population. Medical examination and psychological interviews have been successful in determining: The type of secure custody needed during the confinement; the health services required; and the counseling best suited for each prisoner.

The accurate classification of each person has: Reduced tensions at the jail; increased public safety; and started some treatment programs for prisoners in an effort to halt a person's cycle of crime. The jail averages 1,200 new admissions a month and the reception center has become a critical part of the city's ability to control crime.

The street-lighting and public housing security program increases the opportunities for apprehension of offenders, deters potential criminals, and encourages residents to leave their homes at night and participate in community activities. We considered the following facts before specific areas of the city were selected for the improved lighting:

(1) Crime reduction—areas where the incidents of crime are frequent;

(2) housing projects—areas where usually lower income and older people reside;

(3) shopping centers—areas that have a concentration of businesses and shoppers;

(4) hospitals—where there are people moving into and out of the area with great frequency;

(5) schools—areas where nighttime recreational activities take place;

(6) bus routes—areas that people depend on for public transportation.

Various surveys of neighborhoods and communities have indicated a positive reaction to these efforts, and many city residents have more confidence in the safety of our streets.

The impact manpower services project combined criminal justice and manpower funds to provide job training and job placement to ex-offenders. In the first 3 months of this project, 125 offenders were handled on referrals from the State prison system. It is important to note that 59 percent of these project participants were 24 years of age or younger, 91 percent were black, 40 percent had no previous employment, and less than 1 percent had good employment histories.

To date, 27 percent have been placed in either jobs or job training positions ranging from the minimum wage as a laborer to electrician's helper at $3.40 an hour. Only 16 offenders have been rearrested and this project appears successful in spite of the highest unemployment rate in the city's recent history.

The 64 foot patrolmen police project deployed specialized foot patrolmen, in addition to the normal mobilized patrol, in neighborhoods with high crime rates. This project enabled us to provide to city residents a highly visible deterrent force in 32 foot patrol areas, which resulted in a reduction of criminal activity in 15 of the areas. In the southern district of Baltimore City, an area of 12.8 square miles and a population of 93,000, crime was reduced in 80 percent of the foot patrol areas with a range of between 4.6 percent to 100 percent decrease in crime.

The high impact court project is based on the premise that speedier trials would have a direct effect on the reduction of crime. We believe that the more closely the punishment follows the crime, the greater opportunity exists for deterrence of criminal activity. Special emphasis is placed on scheduling priority so that those defendants who have been incarcerated for the longest time would be tried first.

Reduction of time from arrest to disposition, reduction of the postponement rate, increase in time that judges spend hearing cases, and reduction of witness and victim frustration by speedier trial.

We reduced the time from arrest to trial from 270 days to the impact courts to 170 days in 1974. The Coordinating Council continues to monitor the activities of all criminal courts in an effort to further reduce the time delays.

Baltimore's approach to crime reduction has required the cooperation of many law enforcement agencies. A strong criminal justice system is essential, but there is no single answer to crime control, poverty, mental illness, child abuse, unemployment, unhappy marriage, and overcrowded prisons all contribute to the crime rate.

I note that Baltimore is one of the few major cities to report a reduction in serious crime in 1975, we had a 7.6 percent reduction in crime. However, I recognize that more police, bigger jails, and tougher sentences in our courts are not the answer, we will never have the desired result without basic crime prevention activities by citizens themselves.

Mr. ASHBROOK. Could I interrupt at that point? Isn't the State of Maryland subject to the Federal Strike Force on Crime?

Mr. SCHAEFER. They have one.

Mr. ASHBROOK. Well, doesn't it seem in contrast to you, talking about all the reasons for crime, coming in here for money for safe streets when another branch of Government is spending Federal taxpayers' money, with corruption at every level, in your State?

Mr. SCHAEFER. I don't quite follow what you are talking about, corruption among high officials?

Mr. ASHBROOK. I think it's common knowledge that in the State of Maryland the Justice Department has a Federal strike force, and here you are talking about all the reasons for crime. Everybody overlooks the crime at even the government level—I'm not saying in the city of Baltimore.

Mr. SCHAEFER. I don't think that's true.

Mr. ASHBROOK. You don't?

Mr. SCHAEFER. I don't think the fact that they locked up some of the political officials has anything to do with the crime on the streets.

Mr. ASHBROOK. I would think that would be an inducement to it.

Mr. SCHAEFER. Do I think it's an inducement to crime? Well, on the Federal level?

Mr. ASHBROOK. That's right.

Mr. SCHAEFER. I think all of these things have an impact. But if you are saying because the President was removed that crime increased, I don't think that's the total answer.

Mr. ASHBROOK. It doesn't help, that's for sure.

Mr. SCHAEFER. I don't know whether it did, or not, I haven't been able to analyze that.

Mr. CONYERS. Do you think the Federal Government crimes may have caused a reduction in citizen crime?

Mr. SCHAEFER. Do I think what?

Mr. CONYERS. Are you suggesting that the Federal crime, or crimes, may have induced a reduction in citizen crime?

Mr. SCHAEFER. Well, I think the question is entirely out of perspective to what I was trying to say. Now, are we saying that because the President and one or two men in the State are under investigation, that one of the county executives was removed, that that increased the crime in the city, or decreased the crime in the city, I don't think it had any direct relationship.

Mr. ASHBROOK. I don't mean to interrupt you, but I wouldn't say it is a very good influence.

Mr. SCHAEFER. I don't think that's the basis, we had crime before the President was removed.

Mr. ASHBROOK. Right.

Mr. SCHAEFER. And we had poverty before the President was removed.

But, what we have been able to do with the funds that you have given us, and the things we have been able to do in the city, there has been a 7.6 percent reduction in crime. I don't think that has directly to do with the fact that some public officials were removed from office, I think it was because of hard work and effort on the Criminal Justice Coordinating Council in getting manpower programs in the city and trying to provide housing in the city. Also an increase in the LEAA funds which gave us the funds to do the things I talked about. For instance, lighting the streets; the security in the public housing reduced fear in the public housing and reduced crime in those areas quite a bit.

Mr. ASHBROOK. The same thing could be addressed to everyone, it just seems to me the prevailing attitude in this country is one where the average person thinks that at a certain level of government people get by with things, and you would have to feed that into the reasons. I would have to say that Maryland and New Jersey seem to be two of those areas right now where there seems to be more emphasis on a strike force on crime. I don't think that's your fault, but I would think you would recognize it.

Mr. SCHAEFER. No, I don't recognize it that way, that the national crime problem on the upper level helped us reduce crime by 7.6 percent.

Mr. ASHBROOK. I'm not talking about the upper level, I'm talking about Prince George's County, Cleveland, Ohio; I'm talking about county executives in Baltimore; I'm talking about State legislative leaders in Maryland.

I think it's only fair when we political people are talking back and forth, talking about all the reasons for crime, that we throw out our own situation once in a while. That is a prevailing attitude we are all trying to fight.

You sit here talking about all the problems of street crime, but we don't look at what we as politicians can do. I don't say that critically.

Mr. MCCLORY. Mr. Chairman, I suppose along the line of this discussion, I think we should distinguish between the subject the gentleman from Ohio is discussing, and the subject that I think is of principal interest to this subcommittee. There may be aspects of human conduct periodically, but as far as that is concerned in various local, State and national offices, but the subject we are concerned with here is an outgrowth of what we call the "Safe Streets and Crime Control Act." The LEAA program is designed to throw the emphasis on street crime.

Mayor Schaefer has not only recited testimony with regard to that subject, but has demonstrated, it seems to me, describing some causes of crime in a general way, but also in specific projects which have been made possible through the use of LEAA funds, with tangible results, which is the precise kind of testimony we want with respect to this particular problem we are concerned with.

So, I would not want to say that corruption in public office is irrelevant—it's not irrelevant when we are dealing with crime generally—but it is out of the periphery of the subject of street crime. I think the mayor's testimony has been precise with regard to the subject we have an active interest in considering.

Mr. SCHAEFER. On the program that Chairman Rodino is so interested in, Ken has had success, and we have had success. And one of the things we are trying to get over, we have to fight real hard to get a crime prevention program in public housing. That doesn't seem a high priority to planners on the State level and possibly on the Federal level because it seems much more logical to put more police on the street; it's much more logical to have somebody riding around in a patrol car, something like that. But the people in this public housing where there was a tremendous amount of crime, they were afraid and barricaded the door, were afraid to open the door; and where there has been a substantial reduction in crime as a result of what we were able to do—we happened to be able to feel that that was right.

There is still crime, some crime, but it's been reduced; and what we are saying, the discretion on that should be in our expertise and analyzed by anyone else to see if it works.

Mr. CONYERS. Now, how do we put that into law? You are talking about regulations, maybe you are talking about an emphasis on the direction of the program. I suppose that could be reduced to legislative form.

Mr. SCHAEFER. The difficulty that I have, you see, I'm on this side; I've been on the other side, asking the same question. I can only give you as I see it, from my level. The only thing I can say, the

evaluation that you want, if I were giving the money out, I would want an evaluation, too. But I would try to get the right evaluation, and if you have no evaluation, then the evaluation has to be made on the local level.

Mr. CONYERS. Well, you don't like Mitre's evaluation and I can understand why, they criticized the eight city pilot project. I think it was foolish for anybody to project a crime reduction, it was improperly planned, there was no evaluation.

Mr. SCHAEFER. Right.

Mr. CONYERS. Were they wrong?

Mr. SCHAEFER. We had a 7.6 reduction, we have had success in the programs that we have had. I go back to what I said before, what is the purpose of the Mitre evaluation, was it to end the program?

Mr. CONYERS. Well, it earned their company about $2.2 million, that was one of the purposes.

Mr. SCHAEFER. Well, they wouldn't get a job at my city.

Mr. CONYERS. Well, I guess not.

[Laughter.]

Mr. SCHAEFER. And for many reasons.

Mr. CONYERS. And I don't think they would make out in Newark too well for future employment projects.

Mr. SCHAEFER. Let me explain what I mean. If you don't come and talk to Richard Friedman, who is the head of the Criminal Justice System in the city of Baltimore, has been working with it for 5 or 6 years, and has been able to coordinate all the activities of the police, the jail, the courts and has been successful in this, and you don't even talk to him, the evaluation somewhere must be lacking.

Mr. CONYERS. Well, why don't you file dissenting views, or something? We get these fancy reports, they are prepared apparently by intelligent, impartial people; they say the programs are lousy. You come here and say, "Don't believe them, these guys are just making money and don't know what they are talking about."

Mr. SCHAEFER. Evaluate the programs, send some of the staff over and evaluate the programs we presented today.

Mr. CONYERS. We are not in the evaluation business, what we are trying to do is oversight the agency.

Mr. SCHAEFER. What I'm trying to say, you don't know if I'm testifying properly, possibly. I'm saying, I just don't want to get money; I'm saying the money that we got was used properly. There have been failures, there is no question about that, I'm not saying that we were 100 percent—but the things we have been able to do have been successes from the standpoint of the people who are directly affected.

Mr. CONYERS. All right, then, why don't you file a dissent with Mitre?

Mr. SCHAEFER. We will.

Mr. CONYERS. We spent some $2.2 million. Why don't you do that, so we can come to some conclusion?

Mr. SCHAEFER. We'll send you copies of the letters that Richard has already sent in.

Mr. CONYERS. Who did you send them to?

Mr. SCHAEFER. The Attorney General.

Mr. McCLORY. Mr. Chairman, might I suggest in view of the testimony we have heard this morning, the dissenting views, if they want to supplement it—frankly, I'm more inclined to take the testimony of a mayor who has intimate knowledge of what has been going on in his city than some group that, as the mayor said, doesn't even take the trouble to communicate with the person who is in charge.

Mr. CONYERS. I don't have any problem with that. I believe a lot of defendants are wrongly accused, and sometimes it doesn't work out in court that they are guilty.

That's not the best kind of guide to go by in analyzing a billion-dollar program that has 100,000 different programs floating around; there ought to be some more organized way. We appreciate your testimony in this regard.

Now, finally, a question about this objective of LEAA. What, then, was the whole purpose for the act in the first place? In 1968 the Congress and the administration agreed that one way to try to address the problem would be to create the LEAA to assist State and local governments with their criminal justice systems, to reduce crime.

Now, that suggests coordination to me—I'll skip the reducing of crime process because that will get us into a discussion that may not be fruitful—but let's talk about the coordination.

Five percent of your money is Federal, no more than that, in some instances less. Now, possibly the 5 percent of your money, is used for hardware, or for buying the type of policemen to walk beats. What is left for the coordination aspect of trying to reduce crime with the other 95 percent of the State and local money.

Mr. SCHAEFER. Congressman, we did the coordination with the money. As I said, in 1971 we started the Criminal Justice Coordinating Council because I saw exactly what you are saying, I can't go outside the boundaries.

Mr. CONYERS. That's county, that's not State.

Mr. SCHAEFER. But I can't go beyond that. I don't want to alibi this, we fight as hard as we can to coordinate with everyone else. I can stay within my own confines, and I can see that there was no coordination, or little coordination in agencies, they were all separately doing a fine job.

Mr. CONYERS. Well, I'm sure the Federal strike force wouldn't agree with that. How can you sit here and tell me that separately the correction system of Maryland is doing a fine job; the police, city or locality, is doing a fine job; the courts are doing a fine job—almost everybody agrees that they aren't doing a fine job, that's why we spent $4.4 billion over 8 years. If they were doing such a fine job, we wouldn't be here.

Mr. SCHAEFER. I don't like to keep arguing the point, but I just told you some of the things that we did. We have improved the jail in Baltimore City. I'm talking about the city, and you are talking about a coordination between the city, the State, and the Federal Government. I can only tell you what we do within the city. We do work as best we can with the State. We do have representatives on the Mayor's Advisory Council on Criminal Justice, we have representatives of the State, the probation department. I can't tell the chief judge how to run the court of appeals. I can suggest to the chief judge of the city

that I would like to have the trials speeded up from 270 days to 170 days, and we did it with the money that we got from the LEAA on high impact courts.

Now, what I'm saying is, our police must have done a fairly good job if they were able to reduce crime by 7.6 percent, one of the few cities in the United States that was able to do this.

Mr. McCLORY. Mr. Chairman, let me just say, I appreciate your statement, I think it is an excellent statement and very helpful to our committee.

Mr. CONYERS. I quite agree.

Mr. KINNEY. Mr. Chairman, as Ken mentioned, last fall I was appointed to the Advisory Commission on Intergovernmental Relations. It happened at the first meeting I attended in November, the extension of the authorization of LEAA was being discussed. I would like at this time to discuss some of their recommendations in the context of policies of the National League of Cities and the United States Conference of Mayors.

One of the issues which ACIR examined closely, and which I understand your subcommittee has been hearing about is the shifting nature of the LEAA program from that of a block grant to a categorical grant program.

Two points are relevant here, as far as localities are concerned, it is a categorical program at the State level, and further categorization at the Federal level would only lead to a greater reduction in the amount of funds available to the local levels.

When the Federal funds arrive at the State, they are immediately divided into functional categories, program descriptions, subgrant contracts, subfunctional and subprogram designations. With the exception of a few States, SPA's do not allow localities to apply for funds on an annual block grant basis. Even when a city or a county has had its plan approved by the State, it must still apply for funds to implement the plan on a piecemeal, time-consuming, project-by-project, category-by-category basis. Thus, it is hard to see what advantage there is to a plan development when funding is separated from the planning process.

ACIR's solution to improve this situation is a recommendation which states:

> Congress amend the Safe Streets Act to authorize major cities and urban counties, or combinations thereof, as defined by the State planning agency from criminal justice, to submit to the SPA a plan for utilizing safe streets funds during the next fiscal year. Upon approval of such plan a minibloc grant award would be made to the jurisdiction, or combination of jurisdictions, with no further action on specific project applications required at the State level.

The National League of Cities and United States Council of Mayors agree with this recommendation and would further add language to the effect that State planning agencies be mandated to use the miniblock approach. Though we would prefer direct funding, the National League of Cities and the United States Council of Mayors believe that enactment of this recommendation into law would considerably reduce local frustration with the LEAA program.

ACIR strongly recommended against further categorization at the Federal level and also asked for repeal of the Juvenile Justice and Delinquency Prevention Act of 1974 and the part E authorization for corrections programs.

Mr. CONYERS. You would repeal the Juvenile Justice Act?

Mr. KINNEY. The Advisory Commission of Intergovernmental Relations recommended that.

Mr. CONYERS. To repeal it?

Mr. KINNEY. Yes.

Mr. CONYERS. We were just talking about the problem of the high percentage of crime being juvenile crimes.

Mr. KINNEY. Yes, Mr. Chairman, we, in the National League of Cities and United States Conference of Mayors don't agree with that particular recommendation.

Mr. MCCLORY. If the chairman will yield, I think the problem of the Juvenile Justice Act is another categorical grant program and really comes out of the block grant of the LEAA. And what you want is the opportunity to apply for funds freely for juvenile offenses, but without the restrictions and restraints that the Juvenile Justice Act would impose; isn't that right?

Mr. KINNEY. Yes.

Mr. MCCLORY. That recommendation has been made by others to the committee.

Mr. KINNEY. Although the Conference of Mayors and National League of Cities do not agree, as you can imagine, we are not always in agreement.

Mr. MCCLORY. The program has never been funded up to the present time anyway, has it; the Juvenile Justice Act has not been separately funded?

Mr. KINNEY. Yes, it was taken out of the same pocket. As a representative of the National League of Cities and Conference of Mayors we strongly oppose the repeal of the Juvenile Justice Act. Too little attention has been given by law enforcement oriented to the juvenile delinquency program. Certainly, in Albuquerque we have serious juvenile-related problems.

The act mandates that States spend LEAA funds on the deinstitutionalization of status offenders, innovative programs, and private nonprofit organizations. If the act were repealed, most of these beginning programs would cease—and, from our point of view, they are vitally necessary in establishing fair and just treatment of juveniles in the criminal justice system and perhaps in funding some answers to problems of juvenile violent crime.

We are opposed to the creation of any special program or funding authorization to the courts. This would further reduce the already shrinking amount of funds available in the part C action grant.

I would like to comment briefly on some other issues which have been raised in this subcommittee and in the ACIR report.

One: The statutory ceiling on personnel compensation should be lifted.

Two: State legislatures should give statutory recognition to SPA's but should avoid involvement in plan development, review, and approval.

Mr. CONYERS. Now, why should we take the ceiling off on the wages?

Mr. KINNEY. This is a ceiling on the percentage of total LEAA funds to be used for personnel, it does not have an individual grade ceiling. New Mexico is one spot where the State legislature does not become near enough involved within the State licensing agency.

Three: LEAA should develop more meaningful standards and criteria by which to assess the performance of SPA's in carrying out their functions, as we discussed this morning.

In conclusion, let me commend you for holding these hearings and for your thoughtful examination of the need of the Federal Government in assisting States and localities to cope with the crime problem.

Thank you very much.

Mr. CONYERS. Well, I appreciate all of your testimony. Mr. Ashbrook?

Mr. ASHBROOK. I would like to ask one quick question of the three mayors regarding the SPA's, State planning agencies, are they burdensome, helpful?

Mr. KINNEY. I think since so much of our criminal justice activities are under State function, I think it has given us communication we never had before, and I personally favor that, I think we get a great deal out of that.

I think we would get more out of our local planning agency if they had block grants coming and realized they were spending their own dollars and making final decisions—they are recommending almost anything to the State. We certainly favor the State coordination, it has been very useful to us.

Mr. CONYERS. Mr. Gibson?

Mr. GIBSON. In my city of Newark, N.J., I sit as chairman of the local Criminal Justice Council, but at the same time I'm still a member of the State planning agency; so, we do have a direct relation. The only problem that I have of course is the slowdown that occurs with local planning, having the local plan approved by the State; every program has to go for the State's approval. We asked for more flexibility in local planning, establishing our priorities.

Mr. CONYERS. But, Mr. Mayor, aren't there some programs that go directly to the local coordinating council for disposition?

Mr. GIBSON. The only thing that comes directly to us now is the Federal impact funded programs, and of course they are generally not funded in the city of Newark. We are now spreading that around—we would be dealing with $1.5 million for Newark.

Mr. CONYERS. I can see your concern.

Gentlemen, we are grateful for your testimony on behalf of two organizations of mayors, your testimony has been most helpful. Thank you very much.

[The prepared statement of the National League of Cities and the U.S. Conference of Mayors follows:]

STATEMENT OF THE NATIONAL LEAGUE OF CITIES AND THE U.S. CONFERENCE OF MAYORS

Since the inception of the Safe Streets Act in 1968, local elected officials, that is, governors, mayors and county executives have been in agreement that a program of federal grants for strengthening local law enforcement capabilities is an important element in the much publicized "war against crime." Invariably, we have differed, however, over the manner in which this assistance was to be channeled down to local authorities. For example, in 1968, former Mayors Beverly Briley of Nashville, Tennessee and Jerome Cavanagh of Detroit, Michigan, argued against a state block program and urged the Congress to authorize direct grants to the nation's cities. It was during that period, that local law enforcement was virtually paralyzed by the infamous "civil disorders" which were spreading like fire from city to city, sparing literally no region of the nation. In fairness, our concerns

were based largely on a view held strongly by our police departments, that quick access to training funds and more sophisticated equipment could offset the seemingly disorganized "crime warriors threatening our cities."

In 1970, representatives of both of our organizations appeared before the Congress and argued in this instance, for a greater planning capacity at the local level. We reiterated our position regarding direct grants and in great detail, described how cities had been virtually ignored in the state and regional planning and funding process. We could no longer point to "civil disorders" and we began to witness planning and priority setting which had little, if any, relationship to the criminal acts taking place in our cities. More important, it became apparent, at least to us, that although aggregate crime data reflected a decrease in crime, the relationship between that reduction and the programs funded and operated under LEAA was a questionable one. Nevertheless, the Act was amended to allow major cities and counties to receive planning funds and required the states to provide what was termed as "adequate assistance to areas of high crime incidence and law enforcement activity."

This 1970 decision to increase the emphasis on planning may have led us to the point where some disagreement exists today over whether LEAA can and should be held accountable for both systems improvement and crime reduction. Some contend that through better planning, we derive more improved systems which automatically result in a reduction in crime.

In 1973, after 5 years of frustration with a cumbersome funding process which continued to frustrate officials below the state level, we again asked the Congress to amend the LEAA legislation to enable local planning and priority setting. Our concern was that better use could be made of the LEAA funds, if localities, like states, were given some opportunity to submit annual area-wide plans. These plans would not only reflect local needs but could be produced without being inconsistent with the *statewide plan*. Incidentally, we recognize the necessity for a statewide plan and the appropriateness of a statewide plan. In 1973, following a lengthy floor colloquy in both Houses, agreement was reached on the so-called "Kennedy Amendment". In its original form, this Amendment would have begun to address the problem of priority setting by municipalities which had been the basis of our frustration since 1968. By 1973, both the cities and counties had adopted similar positions on this issue as many of our suburban neighbors were witnessing increases in criminal activity. Specifically, the "Kennedy Amendment" as contained in Public Law 93-83 states:

> . . . (4) provide for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan.

Unfortunately, as adopted, this amendment was not sufficiently strong to address the concerns of many of our cities. It was not only ignored by many of the states but unenforced to a great degree by LEAA. Following seven years of frustration and difficulty with this program, our continued interest and support for what is being proposed as an extension here in H.R. 9236 and related bills, will be largely determined by the actions this year of this committee.

Upon enactment of the LEAA program, Congress has declared that "crime is a local problem and is the total responsibility of state and local government." In October 1975 testimony, the Administrator of LEAA, Richard Velde, reaffirmed this intent. He stated: "The basic assumption underlying the establishment of the LEAA program in 1968 was that law enforcement authority is primarily reserved to state and local governments and that crime control is essentially their responsibility. In 1975, this is still the basic philosophy behind the LEAA program." But in 1976, reality and philosophy have diverged. Through inadvertence, inexperience and design, total responsibility for LEAA programs continues to reside in a disproportionate fashion at the state level.

Surely, the Congress did not intend that cities—the units of government most attuned to the unique characteristics of crime in their own jurisdictions—be merely the ministerial surrogate of LEAA and the State Planning Agency. NLC and USCM have consistently asked LEAA, the SPAs and this Congress for the authority to plan, fund, coordinate and implement crime control and criminal justice system improvement programs. The irony is that we are now forced again to request only that which was originally intended in the 1968 legislation, and which was denied us through administrative and regulatory fiat.

As stated, the 1970 planning funds amendment provided large cities and counties with the financial support to develop their own criminal justice system planning capabilities. Although the Kennedy Amendment intended that a block grant be made available to major cities and counties upon approval of local plans by the state law enforcement planning agency, with the exception of only a few states—notably Ohio, Virginia and Florida—the Kennedy Amendment has been a failure. In a recent survey of 49 cities, the National League of Cities and the U.S. Conference of Mayors asked the local agencies responsible for criminal justice planning whether the Kennedy Amendment has contributed to an improvement in local administration of LEAA funds. An overwhelming 71% of the respondents stated that the Amendment had effected "no change." One respondent succinctly states the problem:

> When the Kennedy Amendment was passed, we expected that the provisions of the Amendment would facilitate the reduction of crime and the improvement of the quality of justice through the use of LEAA funds. The SPA, however, has managed to undermine the principle of the Amendment. We are now faced with a more complex planning system without the benefit of being able to decide where we should spend our funds. We must submit a comprehensive plan which conforms to priorities established at the State level without our input or funding priorities; then we must submit proposals on a project-by-project basis for SPA approval. We are thus hit twice. The Kennedy Amendment as it now stands placed additional planning burdens on the City, without enhancing its authority to implement the planning process.

Frankly, we are becoming weary of the need to plead year after year for the legitimate right to set our own priorities and implement our own programs in our own jurisdictions. We do not seek separatism or autonomy—we are merely requesting the right commensurate with our level of criminal justice responsibilities and our level of crime to plan, implement, and impact the LEAA program.

Over the last seven years, the National League of Cities and U.S. Conference of Mayors have attempted to shift the focus of the federal crime control program from the states to localities. We have forcefully expressed our views to both Congress and the Administration. Individually, as local officials, we have tried to establish an atmosphere in which a true partnership with our states could be accomplished. None of these efforts have been successful.

There are good reasons, for granting cities and counties more responsibility in the LEAA program. By tradition and by law, we are most directly responsible for assuring the safety and welfare of our citizens. Local units of government account for 62% of all criminal justice expenditures in the United States, and we are already committing a considerable portion of our budgets to public safety and crime prevention.

States account for only 25% of our country's criminal justice expenditures and Governors are rarely held culpable for rising crime rates or antiquated police forces. Mayors are. Mayors are the people elected and held accountable for providing basic criminal justice services to our citizens.

On a daily basis, Mayors are confronted with crime and criminal justice problems. A rash of "Ma and Pa" store robberies, a police brutality case, an outbreak of juvenile vandalism—these are the typical crime-related incidents Mayors must respond to. If elderly persons are suddenly subjected to mugging on their way home from the bank after cashing their social security checks, Mayors cannot tell them that something will be done a year from now if we can get a program into the state plan. No, we must immediately begin providing some extra protection—and that means either spending more local money or reducing protection in other areas.

Both long-range and short-term planning must occur if crime problems are to be addressed in a systematic fasion. We no longer have the luxury to "fly by the seat of our pants" in responding to crime control. Fortunately, the local criminal justice planning units and coordinating councils established with LEAA funds have given cities the capacity to develop and implement local crime control and criminal justice system plans. Where federal dollars are involved, however, Mayors are not assured of the authority to develop and implement local plans. Restrictive state guidelines and policies force us into a position of spending most of our time at meetings defending our programs, writing volumes of plans rather than doing planning, and responding to daily requests from SPA staffs to justify our existence. This is not what the Congress intended in passing the Safe Streets Act.

Where cities are concerned, the Safe Streets Act has not fulfilled its promise. The states have assumed all planning and funding authority and simply refuse to recognize the legitimacy of local criminal justice planning. Because of the failure of the states to implement, the Kennedy Amendment we are again asking the Congress to mandate block grants to cities and city-county criminal justice coordinating councils.

What we are really saying is that we want more responsibility in the LEAA program. We are not asking for more money—although we wouldn't turn it down—we are not asking carte blanche authority so we can buy new toys for our police departments—we are asking for planning and implementation and evaluation responsibilities so that we can coordinate local priorities with federal programs. We want to be able to use federal funds effectively—not just as an "add-on" to ongoing functions. We want to maximize our ability to perform criminal justice planning.

As we see it, after seven years of experience, the only way to achieve our goals is to change the Act. The National League of Cities and the U.S. Conference of Mayors recommend that any new authorizing legislation contain the following principles:

1. Federal crime control planning and action funds should be distributed directly to cities or single-county city combinations with populations of 100,000 or more who shall be designated prime sponsors. The allocation of funds to prime sponsors should be based upon a formula—of being more responsive to these concerns, but it actually does not change the current structure by which priorities are decided and funds are spent.

When the High Crime Area program was first sponsored in the summer of 1975, we understood that funds for implementation would be in addition to the existing LEAA appropriation. The Administration's FY 77 budget request, however, includes a $60 million reduction in the formula state block funds and a $10 million reduction in discretionary funds awarded by administrative discretion. Thus the $50 million line item request for the High Crime Area Program comes directly out of the block grant and regular discretionary funds.

At this time, LEAA is contemplating the selection of 12 to 20 jurisdictions (cities, counties, or combinations thereof) for participation in the High Crime Area Program. Since the High Crime Area Program will benefit such a limited number of local jurisdictions, its $50 million cannot compensate in any way for the drastic loss of funds within the other two action categories.

While there is still a great deal of merit in the concept of a High Crime Area Program, the funding arrangement and the apparent unwillingness of LEAA to negotiate the role of the State Planning Agencies with city participation as equal partners make NLC and USCM endorsement of this Program concept difficult. The manner in which the Program is presently drafted renders marginal benefits for a limited number of local jurisdictions at the expense of the remaining jurisdictions. In addition, the new category of funding will require a new and separate unit of bureaucracy within LEAA to administer the Program, both at the state and federal levels. The concepts of crime analysis planning and crime reduction programming might better be integrated into existing programs. We would propose that LEAA utilize the model of the Crime Analysis Team established in each Impact city, and directly supplement planning funds in all major urban areas in order to develop such a capacity and transfer the best elements of crime-specific planning and programming. This would accomplish in many jurisdictions what the High Crime Area Program would achieve in only a few.

NLC and USCM favor the reauthorization of LEAA. We believe that it has led to improvements in the criminal justice system, that it has fostered a new awareness of criminal justice system problems on the part of local elected officials, and that it has given impetus to the concept of planning in the criminal justice field. We do not, however, believe that a seven-year old program is "still in its infancy" and deserves a five-year reauthorization to lead it into adolescence. The changing leadership and shifting priorities of LEAA have indeed led to a perpetual identity crisis, but a five-year reauthorization without significant modifications to the program would do nothing to resolve present weaknesses. Therefore, NLC and USCM support a three-year reauthorization accompanied by changes in planning, policy-making and priority setting procedures. We hope, then, that a more satisfactory, workable, and mature program can be implemented to provide maximum assistance to federal, state and local governments alike.

Mr. CONYERS. Our final witnesses today have waited a long time, and they were here first, and accidentally they will be the final wit-

nesses. We have the American Civil Liberties Union testimony, coming from Mr. E. Richard Larson; accompanied by Mr. Renault Robinson from the Chicago Police Department, testifying on behalf of the National Black Police Association, and Mrs. Penelope Brace of Philadelphia.

We do have your prepared statements, we appreciate your patience, and your statements will be incorporated into the record.

We welcome you before the subcommittee, and you may begin in your own way.

TESTIMONY OF E. RICHARD LARSON, AMERICAN CIVIL LIBERTIES UNION; RENAULT ROBINSON, CHICAGO; AND PENELOPE BRACE, PHILADELPHIA

Mr. LARSON. Thank you, Mr. Chairman. We are neither politicians nor public officials, and additionally we do not receive LEAA moneys.

Mr. CONYERS. Wait a minute, the Philadelphia Police Department doesn't receive LEAA money?

Mr. LARSON. Penelope Brace is here representing Penelope Brace, not the Philadelphia Police Department.

Mr. CONYERS. Oh, is that right?

Ms. BRACE. Yes.

Mr. CONYERS. You are here in an individual capacity.

Ms. BRACE. That's right. I'm here as the plaintiff in a lawsuit against the LEAA.

Mr. CONYERS. You are plaintiff in a lawsuit against LEAA?

Ms. BRACE Yes. sir.

Mr. CONYERS. Well, we will be anxious to hear your testimony.

Mr. LARSON. Additionally, Mr. Chairman, Renault Robinson is a Chicago police officer, but he is not testifying on behalf of the Chicago Police Department. Renault Robinson is also the information officer of the National Black Police Association. I think we are bringing a civil rights perspective to the hearing this morning which may not as yet have been heard, aside from that by Representative Jordan.

As you know, Mr. Chairman, we have submitted prepared statements, and we will not read these statements here. We do appear on behalf of the proposed amendments which have been submitted by Representative Jordan.

I will be very brief, I have few remarks. I know Mr. Robinson has an appointment with LEAA, as a matter of fact, so, I think he will go first.

Mr. CONYERS. Well, let me say if he happens to come to his appointment a little late and explains that he has been before the Subcommittee on Crime hearings on the reauthorization of the LEAA, I'm sure they won't hold that against him.

Mr. ROBINSON. Well, first of all I would like to thank you for allowing us to appear, and maybe the information that I bring might be useful when you are deliberating the new act.

First of all, Chicago is in a unique situation right now, $95 million in Federal revenue sharing funds are being withheld because of discrimination, and I think a little background on that situation would be helpful, which involves LEAA. I might clarify for those who are concerned about that how that situation even developed.

In 1972 we made a complaint to the LEAA, requesting that they examine the Chicago Police Department for discrimination in their hiring practices, hiring and promotion, and assignments. After considerable delay, and a lot of bureaucratic wrangling, we learned that LEAA did not even have a compliance staff, and had no regulations set up for compliance machinery, and yet, they were doling out millions of dollars. They had a staff person, employing him temporarily as compliance officer, and he eventually became the compliance department. And they went out and hired a clerk, and then they had a two-man staff to, I guess, look over the shoulders of cities that were spending millions of dollars.

They appointed a three-man team, former police officers, one from Chicago, one from New York, and one from California, and a criminologist from California that came out to Chicago since they had no staff for compliance, to conduct an investigation.

Mr. CONYERS. That sounds like another grant in itself.

Mr. ROBINSON. It was, it was very expensive. They spent 6 months in Chicago, produced a 200-page report which substantially substantiated our claim of discrimination.

They then said they could not terminate funding because they wanted to first try to seek voluntary compliance for changes in the Chicago Police Department. You must remember now, this is 1972. LEAA sat 1 full year and did absolutely nothing.

The matter was then referred to the Civil Rights Division of the Justice Department, and they told us that they had to conduct an entirely different compliance review from the one that the LEAA had reviewed; they would have to conduct a separate review. So, for an additional year the Civil Rights Division of the Justice Department, who was the agency who received the LEAA report—you know, one next door to the other—conducted another investigation, and they found discrimination, and still the money continued to flow.

We became frustrated in our attempt of having an agency of the Federal Government which was supposed to be enforcing its own regulations not do it, and sought other remedies, that is, cut off the $95 million in Federal revenue sharing funds.

Now, we should have sued LEAA all along, and possibly this whole matter would have been resolved—we had to sue the Office of Revenue Sharing in order to get them to follow their regulations, which means to stop funding when there is discrimination.

Mr. CONYERS. Mr. Robinson, with all those lawyers in Chicago, I can't imagine how they let these lawsuits slip through their fingers.

Mr. ROBINSON. No. 1, they looked at this whole matter as a joke; No. 2, they felt no judge in his right mind would ever cut off any Federal money; No. 3, they knew there was no regulation available, no special procedure, no compliance procedure, and so they felt they were home free.

Mr. CONYERS. I see.

Mr. ROBINSON. That matter, again, started in 1970 when I first charged them with discrimination, and the money wasn't shut off until 1974.

Mr. MCCLORY. If the Chairman will yield. Are you familiar with the bill that Representative Jordan was presenting when she was here before the committee?

Mr. ROBINSON. Yes, I am.

Mr. MCCLORY. Do you favor that?

Mr. ROBINSON. Yes, I do favor it.

Mr. MCCLORY. Does that seem to be an answer?

Mr. ROBINSON. Well, I don't know because, you see, we have the spirit of the law and the letter of the law. And the letter of the law already says, cut off funds when there is discrimination. And somehow the letter of that law has never been carried out by Federal officials.

Mr. CONYERS. Well, then, Mr. Robinson, maybe we need some legislation, to coin a phrase, to make the LEAA inoperative until they observe the law.

Mr. ROBINSON. I would say to that, yes.

Mr. CONYERS. We can send it back to the drawing board and come up with suggestions.

Mr. MCCLORY. Could I ask a further question, Mr. Chairman?

Mr. CONYERS. Sure.

Mr. MCCLORY. The issue involved, is it not the type of examination that is given to police officers for employment and for advancement?

Mr. ROBINSON. That's one of the issues.

Mr. MCCLORY. And it is charging discrimination against the minority.

Mr. ROBINSON. That's another of the issues, testing.

Mr. MCCLORY. And promotional policies. That has to be decided by the courts.

Mr. ROBINSON. Well, you see, when you've got three different administrative determinations, the Office of Revenue Sharing had its own compliance investigation and they found discrimination. So, you've got three different Federal agencies all coming up with the same determination, and that alone should be enough.

Mr. CONYERS. The subcommittee will be in recess until the quorum is over.

[Whereupon a short recess was taken.]

Mr. CONYERS. The subcommittee will come to order and the witness will continue.

Mr. ROBINSON. Thank you very much, Mr. Chairman and members of the committee.

In order to make sure that the scenario, what has occurred as far as discrimination is concerned in Chicago is clear, I'll try and be very brief, but detail it for you so you can understand the frustrations and the various problems we have with legislation that already should have taken care of problems that we had to remedy through a lawsuit, when it costs a million dollars of the taxpayers' money in the city of Chicago, and is presently costing them a quarter of a million dollars a month in interest on a city loan; and $100 million being held in escrow because of discrimination.

Had LEAA operated properly several years ago, none of this would have ever happened. Now in retrospect I'm glad it did, but I'm saying had the responsibility been assumed in the beginning, Chicago would now have been complying and none of that $100 million would have been cut off.

Mr. ASHBROOK. Can I interrupt your testimony?

Mr. ROBINSON. Yes.

Mr. ASHBROOK. I have just read Ms. Brace's testimony, and I think it's fair to say that the LEAA is one of the participants in it. We have one, two, three—the city of Chicago, the LEAA, and the Justice Department; I think it's the same thing with the city of Philadelphia. So, you are not coming here saying it's with LEAA, it's with the city of Chicago.

Mr. ROBINSON. Well, as far as the guilty party is concerned, we would say the city of Chicago and as far as the individual who is recalcitrant, we would say the city of Chicago; but Chicago is not alone in that category, every city in the United States is discriminating. And LEAA regularly receives reports in the mail that are signed by the Chief Executive Officer saying, "We don't discriminate."

Mr. ASHBROOK. That's part of the oversight, but LEAA was supposed to be part of the remedy. So, we are now saying the remedy was not good, the problem as we saw it in Philadelphia.

Mr. ROBINSON. But as of today LEAA has not yet promulgated regulations setting forth its procedures for administrative hearings—they don't even exist. We tried to force that on them through a lawsuit, and it was denied by a judge for other reasons.

But that must point to the problem if you don't have regulations, procedures to cut off money, they never intend to cut off the money. The Congress has that written into the law that the money should be cut off, but when the administrators don't set forth the procedures, it obviously shows that there is no intent to follow the letter nor the spirit of the law.

Mr. ASHBROOK. That is a very valid point.

Mr. ROBINSON. Causing individuals and organizations like myself, like the ACLU, like Ms. Brace, to file lawsuits, which costs us money. And again, just to make the point very clear for the record—and I would also like to offer for the record a copy of the judge's decision which is extremely helpful because he details the frustration of trying to deal with the city of Chicago and the Federal Government.

Mr. CONYERS. Can you provide us with a copy of the complaint?

Mr. ROBINSON. I can give you a copy of the complaint. I can give you a copy of the decision, and I can also provide you with a copy of the judge's order, his final order without any problem.

Mr. CONYERS. What was his final order?

Mr. ROBINSON. His final order was that the city of Chicago would have to hire on a racial basis a quota, whatever you like to call it, of 42 percent minorities, Spanish and black; 12 percent women—no, 16 percent women, I'm sorry; and 42 percent other white males, the rationale being that they had no standard to go by with women because women had been discriminated against by the Chicago Police Department since it started, and the city didn't defend that. So, the judge arbitrarily set a standard of 16 percent until we can determine how many women really want to be police officers.

We have reduced our height requirments which eliminated women. The judge has also ordered that on promotions, that for every six whites that are promoted four blacks must be promoted. The judge has ordered that they create new testing instruments, but until they do, they must hire a quota-ratio until past effects of discrimination have been remedied, which means that there will be a time period involved where this quota hiring will go on, until blacks are brought up to parity with population.

We are approximately 42 percent of the population in Chicago, but we are only 16.9 percent of the police department. At a period of time, in 1968, we were approximately 26 percent of the population of the city of Chicago, and during those riot years we were 26 percent of the police department.

But after the need to have blacks on the force diminished in the minds of the mayor and those others who make the decisions, and as the black population of the city increased, the black population on the police department decreased to 16 percent while the overall black population increased to 42 percent.

So, the point I'm bringing out is that the judge found after 80 days of trial that there was purposeful and intentional discrimination against minorities and women.

As result, though, $95 million to date of Federal revenue sharing funds have been held up. The State of Illinois has voluntarily terminated all LEAA funds to the Chicago Police Department, some $12 million a year, until this matter is resolved.

There are certain LEAA funds that the city of Chicago will not even apply for because of the discriminatory provisions provided by the act, and they don't want to comply with them.

So, my point to you now, starting back at the beginning, is, had LEAA acted in 1971, when we first made our original complaint to cut off the $12 million which was involved then, that would have been, to use the words of the judge, "The necessary economic sanction to force compliance with the law." But they refused to do it, and the administrators told me personally that they had no intention of cutting off money, that was not the proper method of bringing about compliance. In fact, they even gave Chicago additional Federal funds to come up with an affirmative action plan—they gave them more money.

It's ridiculous, you know, but it goes to show you how a situation as critical as that of discrimination was bungled by officials at every level of government. And Congress, of course, whose intent it was to see that such a city did not receive Federal funds—your intent was being spurned.

Terminating discrimination is important—and I won't take up your time talking about the other areas that the mayors and everybody else talked about—but terminating discrimination is just as important as wasting the money on some of the frivolous projects of police departments and others, instead of putting the money to use.

But if LEAA regulations are appropriately changed and you give it a staff commensurate with the task it has to perform—you can't have 4 people perform compliance reviews on 40,000 municipalities, it's ridiculous. LEAA can't send out these silly compliance statements that ask the kinds of questions that you can answer and still be guilty of discrimination, and then provide the money. There should be some compliance prior to getting the money. There should be some standard set up through legislation that says, you must meet certain minimum standards before you can get the money. That would resolve the problem, so the courts would not have to fool with it; and the revenue sharing would not be tied up because, believe me, the National Black Police Association, which represents over 50 groups in 35 major metropolitan areas are all going to try to tie up Federal

revenue sharing funds as well as LEAA funds anywhere we can until we can stop discrimination.

Of course, that causes heartache to the citizens, and it could be easily eliminated if your legislation would just force LEAA to comply to begin with.

Mr. CONYERS. Are there any other instances of lawsuits brought against LEAA because of discriminatory activities?

Mr. ROBINSON. Yes, and I won't go into details of those since we have Mr. Larson here, whose testimony will detail those; I mentioned a number of them in my prepared statement, but I won't take the time to go through that. But there are a number of administrative complaints pending—and when I say a number, 200 or more at my last count, pending with LEAA right now. They are all in a state of suspended animation, nothing is being done with them, they are just sitting there on somebody's desk.

And any time a discriminated against person goes into court LEAA just says, "Oh, we can't do anything about it any more, it's in the hands of the court."

Mr. CONYERS. They go beyond that, they say they can't even discuss it with the Congress because it's pending in the court.

Mr. ROBINSON. You can see the ridiculousness of the nature of the problem which could simply be solved by a couple of the suggestions that I made, and some of the others, including Representative Jordan's amendments.

As long as the cities are not forced to comply—and none of them up to this point have complied—it makes the act itself meaningless and it's a waste of everybody's time and of a lot of Federal dollars.

I will stop here with my points and answer any questions you have.

Mr. CONYERS. Mr. McClory?

Mr. MCCLORY. Could I ask this question, I have noticed recently, there is a court decision recently that says where the union regulations which apply to reemployment of the persons who were unemployed and were laid off, where the union regulations require adherence to the rule of seniority, they claim that rule violates the Constitution and is discrimination on the basis of race and color, that you can't maintain the civil rights position.

Now, the question I ask is this: I judge in at least one of these cases the police organization has ruled with regard to seniority for purposes of promotion, or whatever. That could constitute a form of discrimination because black police officers might not have the same seniority and consequently they just would never catch up.

Is that involved? Do you think that requires a decision on the part of the Administrator or LEAA to renounce, to set aside some kind of police organization rule in favor of a decision that would benefit the minority?

Mr. ROBINSON. Well, I can answer that in two ways. One, it might take a judicial determination—it might, I'm saying that only because I'm not a lawyer.

Two, clearly LEAA, the Administrator, has to within his power as the Administrator, based on the strength of Congressional legislation, to require that there be no discrimination in hiring and promotion.

Now, if a particular State or a local city is governed by a seniority rule, that can be circumvented in 100 different ways because if we are

going to promote 500 officers, we can simply require that these 500 officers be promoted equally and equitably regarding race and sex; and we do it by quota or ratio because of past discrimination.

Mr. McCLORY. You do it how?

Mr. ROBINSON. By quota. You see blacks and women don't have the seniority because we haven't been hired because of discrimination. So, if there is a need for 500 officers to be hired, and there is a population which will provide the necessary bodies in the workforce to give up the 500 officers, let's split it up and see that I get my share of the pie, too.

That could be done as an administrative matter, and in some cases it may have to be a judicial matter.

Mr. McCLORY. Is it your position and interpretation that the LEAA should apply this prohibition of discrimination by applying quotas; or do you feel on the other hand, as I do, that hiring and promotions should be on the basis of merit, without discrimination on the basis of race or color?

Mr. ROBINSON. Well, I feel as you do. But we all realize that in all the years this country has existed, this phrase has never meant anything. And consequently, we must do other things to make sure that blacks and women get our equal portion of the pie.

Mr. McCLORY. I understand, and I'm not suggesting that a discriminatory test should be applied, but I'm considering that you have nondiscriminatory tests. But nevertheless, it relates to equality of service.

Mr. ROBINSON. The police department—I'm sorry to interrupt—every police department, every one that I know of, has told every judge in every court that they have never been able to come up with a nondiscriminatory exam; and this is their claim, they can't find one that will hire equitably. You know, that's an examination process, that's not just a written test.

Mr. McCLORY. Is your position then you have to hire on the basis of a quota?

Mr. ROBINSON. My position is that you have to hire on the basis of a quota until and unless we come up with a process that does not have something built in against blacks and women

In other words, the judge in Chicago found that the process was biased toward blacks. In other words, it was set up to give whites an advantage over blacks. Yet, at the same time the general notion was that blacks were not equally as intelligent as whites, and that's why they couldn't pass the examination.

We found and showed that each portion of that examination had something built into it that gave whites an advantage to pass, and gave a disadvantage to blacks.

Mr. McCLORY. Well, I'm aware of that, and that would be a form of discrimination. Now, tell me this, whether the quota that you are seeking is based on the ratio of blacks, for instance, in the city?

Mr. ROBINSON, Yes.

Mr. McCLORY. And would that apply also with respect to Indians and Asian Americans, and Spanish-surnamed Americans?

Mr. ROBINSON. Well, it definitely applies to Spanish-surnamed Americans because they are considered minorities as far as the definition is concerned, as far as Federal law is concerned.

What we are saying, simply, is that we have been cut out on purpose, and Federal law and Federal regulations are supposed to prohibit that. So, if we are a certain percentage——

Mr. McCLORY. I'm not questioning that, I'm simply asking how you resolve that in alinement with what I think is our intent to prohibit discrimination.

Mr. ROBINSON. If you had tough legislation that said no money could flow upon evidence of an allegation of discrimination, until it was resolved, that's all that would be needed because you heard these mayors, people want those funds. And if you chop those Federal dollars off, they will react.

Mr. CONYERS. That's hitting them in the pocketbook where it hurts.

Mr. ROBINSON. Absolutely.

Mr. ASHBROOK. Wouldn't that be unjust?

Mr. ROBINSON. I say upon evidence, upon allegation.

Mr. ASHBROOK. That has to come through a charge.

Mr. ROBINSON. Well, that's the way the system is set up. We made an allegation to the LEAA, they came out in support with findings supporting our allegation, and we still had to go to court. So, what good was it to provide them with the evidence they needed to support our allegations, which was basically an administrative finding of discrimination, and then not act on it. Do you understand my point?

Mr. ASHBROOK. I understand, but the answer to that may be not the short circuit.

Mr. ROBINSON. But going further, though, when we were trying to remedy the situation, the remedy is simply fair hiring practices. Now, in Chicago, since the mayor is so opposed to fair hiring practices, he will allow $100 million in Federal funds to remain in the Treasury. Now, you and I both realize, that can't go on for long, in another 6 months he's going to be broke. He already borrowed $55 million, rather than comply with the Federal law, which in reality only would require him to hire 250 minorities. You figure that out.

Mr. CONYERS. If the gentleman will permit me, I was thinking, you must really have some legal background, you say you are a police officer. Do you have a law degree?

Mr. ROBINSON. No, I don't.

Mr. CONYERS. Have you been informally trained in the law, as opposed to formally?

Mr. ROBINSON. I would say yes, I have been pretty deeply involved in this case for the last 8 years.

Mr. CONYERS. You have been in court so many times, you picked it up?

Mr. ROBINSON. Right.

Mr. CONYERS. We usually reserve this kind of questioning for people who have been incarcerated inside institutions, we know that does not apply to you, you are a law enforcement officer.

Mr. ASHBROOK. Incarcerated inside an institution?

Mr. CONYERS. That's why I'm trying to find out how you became so possessed of the knowledge of the law.

Mr. ROBINSON. Well, it's just being in my position, and also having competent counsel, that's extremely important. A point is worthless

if you can't prove it in court. And we had one of the largest law firms in the city of Chicago, which also has a very large office in Washington, which helped us greatly to put this matter across. Without their aid, and some $650,000, and a judge who was not even a judge at the time this matter started, but a professor at law, none of this would have been possible.

The city itself was being so recalcitrant; and of course there was the laxity in Federal regulations; none of this should have happened. In a way you have helped us up to this point. But we would now hope that you would make it possible that this procedure would not have to be repeated 50,000 times in every municipality in the country before we can get some equal opportunity.

It obviously has an impact on crime, it's got to. In my area at least, where the unemployment is 45 percent in minority communities in Chicago, those people have to see some kind of change. If they had jobs it would make the burden on the police officer a lot less, especially if we had police officers that had some understanding of the community in which they serve. If I go into an apartment and there are Spanish-speaking individuals and they are arguing about a problem, if I can't understand it, I can't solve the problem. Even though I carry a gun, and a club, and a badge, what can I do. Yet, they won't have me, so I can't solve the problem. Your answer is, "You are too short."

So, my point is, we create more problems than we attempt to solve, and that's one of the reasons we are here today. We are hoping that we don't have to continue to do Government's work by filing lawsuits, that maybe the Government could do its own work. Every one of the administrative bodies is having the same situation, and all parts of the Justice Department have all failed, LEAA, the Civil Rights Division of the Justice Department; and the Office of Revenue Sharing too; they have all failed in their responsibilities; all of them have given away Federal money, the moneys are still flowing, and nothing is being done about it.

Mr. McCLORY. Well, the money is not flowing to the Chicago Police Department, is it?

Mr. ROBINSON. Thank goodness. But that has nothing to do with the agencies which have avoided the responsibility of their own duty.

Mr. McCLORY. Didn't you use as evidence in the court case the opinion of the Administrator of the LEAA?

Mr. ROBINSON. We sure did. Of course, we took LEAA's data and generated other kinds of figures since the study done by LEAA was as much as possible done in favor of the police department. If you knew the fight we had to go through, and 500 letters that were written back and forth between us and LEAA. We attempted to impeach the investigators because of prejudicial statements they made while they were investigating, statements like, "I haven't found any discrimination here," and they weren't even through investigating. So, you know, this goes to show that every step of the way we met nothing but resistance. And who else is going to put in 7 or 8 years? We are doing it only because we had to do it anyway.

Any other questions?

Mr. CONYERS. I think you made it clear that we have a responsibility to see that the law operates the way it is intended to.

Let's turn now to the representative of the American Civil Liberties Union, Mr. E. Richard Larson.

Mr. LARSON. Mr. Chairman, instead of summarizing the written statement, I would like to express the ACLU's support for the type of legislation which has been introduced by Barbara Jordan. Barbara Jordan's amendments place various necessary restrictions upon the operation of the LEAA program. Those restrictions for civil rights in enforcement are very necessary.

Renault Robinson has been involved in one lawsuit in the city of Chicago. The Federal courts in this country have entered decrees of race and sex discrimination against more than 100 police departments within the last 2 or 3 years. LEAA on the other hand has very serious problems finding discrimination. LEAA has never cut off funds.

Renault Robinson's situation was in Chicago, and his lawsuit was against the Office of Revenue Sharing. Several years ago I had been involved on somewhat of a consultant basis with LEAA.

People in the State planning agencies who were interested in civil rights enforcement said, "Sue them, sue them the way Robinson sued the Office of Revenue Sharing; that's about the only way you are going to move LEAA anywhere."

Last fall, in September, after virtually 9 months of negotiations with various members of LEAA's Office of Civil Rights Compliance, we filed a national class action lawsuit against LEAA; we have also sued various officials of LEAA for damages, which are available through the Federal courts.

Since September, since we filed, there has been somewhat of a change in their posture, a little bit of a change.

As Penelope Brace will tell you in her situation, LEAA made a finding of discrimination in Philadelphia more than 2 years ago, back in January of 1974; LEAA had reached a stage where no voluntary compliance could be achieved.

LEAA, under it's statute, was required at that point, under section 518, to cut off funds. The statute reads that LEAA concurrently may adopt several other alternatives, including referring matters of noncompliance to the Justice Department. But, 2 years ago, after Congress had specifically amended section 518(c), LEAA referred Philadelphia's noncompliance to the Justice Department and refused to cut off funds.

It was not until 2 months ago, when we filed a preliminary injunction in court against LEAA to force it to initiate the fund termination process against Philadelphia, that LEAA, rather than defending the preliminary injunction, finally responded by taking the step it was required to have taken 2 years earlier; it finally sent a letter to Governor Shapp of Pennsylvania saying there will be a cutoff of funds.

Penelope Brace will give you more details, I have stolen some of her story right now.

But there are many examples of that. Let me just give you one other example because I think it's such an incredible example of the type of procedures and delays upon delays which LEAA uses in its so-called enforcement program. And these delays represent the need for specific legislation to be written by the subcommittee and the Congress.

This example is about LEAA's response to discrimination by the Honolulu Police Department. In December 1972, more than 3 years ago, a sex discrimination complaint was filed with LEAA, complaining about straight old line discrimination on the basis of sex, plus the use of unlawful height requirements, which are a violation of LEAA regulations.

One month later, in a letter to LEAA, Honolulu admitted discrimination. During the following year LEAA conciliated with the Honolulu officials, but no satisfactory conciliation was reached.

Three months later LEAA learned that the EEOC was conducting an investigation of similar complaints about the height requirements and sex discrimination in Honolulu. At this stage now, a year and-a-half into this process, LEAA deferred to the EEOC. Two months later, after its own investigation, the EEOC found reasonable cause. It then began conciliation with the Honolulu Police Department. Eight months later the EEOC conciliation failed.

One month later the matter was referred back to the LEAA by EEOC. The following month the LEAA was back at the conciliation game with Honolulu again. Discrimination, of course, had been admitted 2 years earlier.

Three months later a conciliation meeting was scheduled by the LEAA in Washington, but the Honolulu officials did not attend. We are now up to July of 1975.

Later that month the complainant, who has a degree in law enforcement, a higher education degree in law enforcement, who had been denied employment by the Honolulu Police Department on the grounds that she was not 5'9", she sued in court. She sued the Honolulu Police Department.

A month later the Honolulu newspapers announced our lawsuit, our national class action against the LEAA, and they announced in banner headlines the fact that LEAA was about to be sued and that LEAA's continued funding of Honolulu would be mentioned in the lawsuit.

Four days later the LEAA finally commenced their statutorily required proceedings to cut off funds.

Mr. CONYERS. Did they ever cut off the funds?

Mr. LARSON. No, there was compliance. Of course there was noncompliance for more than 3 years, and only then did LEAA send a letter to the Governor of Hawaii announcing that LEAA intended to cut off funds.

There are only three of these findings in LEAA's history, three letters to Governors, and all of them occurred after we filed suit.

I think it is a very, very sad record that LEAA has created, and the type of legislation that has been introduced by Barbara Jordan definitely should be supported, although it could be tightened quite a bit, it could be made better.

I think one very important aspect of Barbara Jordan's proposed amendments which I would like to comment on briefly is the provision of a private cause of action to enforce the LEAA nondiscrimination requirements.

Barabara Jordan's amendments provides a cause of action to the Justice Department to seek a cutoff of funds, or to seek an escrow or suspension of funds; a cause of action is also given to the private individual.

Now, if Renault Robinson's experience in Chicago is at all indicative of what the Justice Department's position will be in this very important private enforcement aspect, the private remedy must be retained, because in Chicago the Justice Department argued against the cutoff of funds.

Mr. CONYERS. Well, how do you feel about putting the LEAA under further policy direction of the Attorney General that is one of the suggestions that has been made, based on the fact that many in LEAA act independently of the Department of Justice.

I should tell you that one attorney strenuously disagrees with that because she claims that may create more politicalization. On the other hand, there are those who suggest that the Attorney General have more control over LEAA, and that the LEAA should be accountable to the Department of Justice.

Mr. LARSON. With the accountability aspect, I really don't think it matters, nor in civil rights either, whether it is inside or outside. I think with regard to LEAA, no matter where it is, what is needed is a tighter reign on the type of civil rights enforcement that is required of LEAA. The other alternative, of course, is what you, Mr. Chairman, have proposed frequently in these hearings, that LEAA itself become inoperative if it doesn't comply with the law.

Mr. CONYERS. What was the thrust, or what is the thrust of your national class action suit?

Mr. LARSON. The national class action suit has 12 individual plaintiffs, 6 women complaining of having been discriminated against, one of whom is Penelope Brace; six individual blacks complaining they have been discriminated against, all over the country—the Honolulu complainant is one of them. The main complainant in the lawsuit is the National Black Police Association.

What we are seeking, for example, is that the statutory mandate, 518(c), requiring an administrative cutoff, rather than preference for judicial enforcement, that that actually be followed by LEAA. As Barbara Jordan pointed out this morning, the amendment to 518(c) was passed nearly 3 years ago, and yet, LEAA's regulations that are in effect today contradict the statute.

Mr. CONYERS. That they comply in the instance of complaints, or all pending administrative cases?

Mr. LARSON. All cases.

Mr. CONYERS. Would a favorable decision reach all cases?

Mr. LARSON. It would depend upon the determination of the class action motion in the lawsuit, whether the case is certified as a class action. The Justice Department, of course, is trying to limit us to an individual action and not allow us to proceed as a class action.

Mr. CONYERS. All right. Is it appropriate now to turn to Ms. Penelope Brace? Usually it's "ladies first," but for reasons of scheduling, you are last.

Ms. BRACE. Good afternoon, Mr. Chairman and committee members.

My name is Penelope Brace, and I have been a police officer with the Philadelphia Police Department since 1965. In July of 1973 I filed a complaint against the city of Philadelphia and its officials with the Equal Employment Opportunity Commission. I also followed up with a complaint in 1973 with the LEAA.

I requested that the LEAA consider withholding funding, and they said they would not do that, that it was done only as a last resort.

I think a few items of discrimination clearly picture how bad Philadelphia is. Only 1 percent of all women in the police department are allowed because of the quota system. There are 1,600 promotional slots for men, and only 7 for women. We are kept in the juvenile aid division, which is "women's work," and are not permitted to transfer into any other area.

The reaction to my sex discrimination suit came fast and furious from city officials. Mayor Frank Rizzo was publicly quoted as saying that he was opposed to equal opportunities for women in the Philadelphia Police Department. Commissioner O'Neill stated that God in his wisdom made women different, and that we had times of accounting within ourselves when we were physically and psychologically unfit for police duty. The commanding officer of the juvenile aid division implied that to open the department to women would be to invite rampant lesbianism.

Now, all these instances were reported to the LEAA. However, despite my constant communications with them, they did not withhold funding.

On February 12 of 1974, I filed a lawsuit against Philadelphia in the U.S. district court; 3 days later, on February 15, I was fired in my capacity as a Philadelphia police officer. I had made numerous charges of harassment against the city to the LEAA. Even considering the fact that I was fired 3 days later, the LEAA still refused to cut off funding to the police department. Fortunately I was subsequently reinstated as a result of a civil service decision and I currently work at my job. But, had the LEAA initiated their administrative procedures to cut off moneys because I had been discriminated against, I would not have had to go through the trauma of being unfairly dismissed, and then having to be reinstated by the civil service commission.

My concern is not only for Penelope Brace; there are many other cities in the United States—I have read the statistics from the police foundation that show that only 2 percent of the police across the United States are women. If LEAA would follow its own regulations and investigate departments, then obviously they would find discrimination not only in Phlladelphia, not only the cities we have discussed, but in other cities.

Mr. CONYERS. Not only just in cities, but in many others, contractors, private.

Ms. BRACE. I'm sure, and then we would represent a more or less fair cross section of the population of women and blacks on the police force.

If anyone has any questions, I'll try and answer them.

Mr. CONYERS. I don't. Mr. Ashbrook?

Mr. ASHBROOK. I think in the case of these two witnesses, we clearly understand what they say, they have been excellent witnessess and I think they have helped us very much in trying to oversee this one area of Federal activity.

To go back to something Mr. Robinson said earlier, you can't jump across, I think, the age-old idea of different sides of a story. You said in the 1960 period there were 26 percent minorities on the

police force, and now you say there are 16 percent, and that that dropoff was basically due to discriminatory practices of the police department.

I assume you are able to show, or can you show, that in the interim time there was still sufficient interest of minority applicants to become police officers, that it wasn't lack of interest. Do you have any statistics on that?

Mr. ROBINSON. Yes. One of the defenses was that there was a period of time when police departments were looked upon by minorities as "oppressive forces of evil," and that you shouldn't be a part of them, you shouldn't work for them. That was a "party line" that was being bandied about by some of the city attorneys.

However, when you look at the statistics of the people who applied for the examination, you find that blacks were applying in numbers equal in percentage of population for the jobs. They were just weeded out every step of the way, therefore they never got hired. A decision had been made on the part of the city to cut back on minorities because when they needed us, they got us; when they got tired of us, they then restricted the recruiting process and started to cut us down.

If many blacks passed the written, they never made it through the other processes, there was always some way they were able to cut us out.

So, the point that was proven through 80 days of trial—and the city had a very able representative on their side of the fence and many, many experts, testing experts who appeared and testified on their behalf, they were not able to defend those policies and practices.

Every examination, as you'll see in that opinion, from 1968 on violated Federal law, and title VII of the 1964 Civil Rights Act. Each one was declared discriminatory, each examination they gave.

So, with a record like that you could see that it is the city administration's policy to limit the number of women and minorities to be employed in the Chicago Police Department. Our fire department is the same, and throughout the Nation fire departments are the same.

Mr. ASHBROOK. One of the things that bothers all of us, you have a tight line, you want to test for whatever qualifications that would be fair and nondiscriminatory. You don't want to take a course of action that would limit the standards.

Mr. ROBINSON. Correct.

Mr. ASHBROOK. You mentioned the tests that you tell were favorable to whites as against blacks, specifically, what kinds of tests would those be?

Mr. ROBINSON. OK, if you started in the first initial area, which most people believe is the whole process, that's the written portion of the examination. The point spread between the passing, the top passing score and the minimum passing score is normally not very far, it might be 10 or 12 points. The highest a guy might have gotten is 80, and the minimum score is 70, and between those 10 points there might be 10,000 people and, you know, that's 70.1, 70.2, 70.3, that kind of thing. Now, your place on that list might be determined by your ability to pass maybe 10 percent of the questions on the test, which have nothing to do with your intelligence, or the nature of your ability to add 2 and 2, or your literacy.

Mr. ASHBROOK. Isn't that applied to all applicants?

Mr. ROBINSON. That's where you get into the technique, the test design, and the tricks that are used by the city of Chicago and others. From the time you take the test in Chicago until the time they post the results, normally it's 6 months. What they do is a computerized item analysis of each question on the examination.

Now, what happens is, they are multiple choice questions. So, we find out how many blacks checked "A", and how many blacks checked "B"; and how many whites checked "A" and how many whites checked "B"; and so on and so forth with the other alternatives.

Mr. CONYERS. They really go into those?

Mr. ROBINSON. Absolutely.

Mr. CONYERS. Do you have any evidence?

Mr. ROBINSON. We proved it. We brought questions in that were so ridiculous, and they are questions—they are not question like, is 2 and 2 4; they are questions like, "What does so-and-so most likely mean", and then they give you four correct answers. And my experience as a black is going to make me choose one answer, and the test designer knows that; and his experience as a white makes him choose another answer.

So, then we make sure, we put it on the computer, and then we get a printout, and it says the questions that we know are the bad ones.

Mr. CONYERS. This is a matter of evidence, evidentiary matter of the trial?

Mr. ROBINSON. There are 10,000 pages.

Mr. CONYERS. How were you able to trick the Chicago Police Department into admitting this in court? I mean, suppose they came into court and said, "We didn't do that"?

Mr. ROBINSON. Well, first of all, let me say this, we started collecting evidence for this case in 1968, and the case was filed in 1970. And of course, our membership in the Afro-American Patrolman's League consists of people in various portions of the police department, so, we gathered the necessary facts we needed, shall we say. And then, when it was necessary to produce them, we had them.

Mr. CONYERS. The CIA ought to know about that. [Laughter.]

Mr. ROBINSON. Well, that's just in the testing process. Now, what happens, you end up with a number of blacks because now they are going to score it the other way, which means that the blacks end up at the bottom of the list, you see, because if you are literate, you are going to end up on the list anyway. Ok, if you can add 2 and 2, and you can read, you are going to end up on the list. But, you are going to blow that 10 percent of the questions, and you are going to end up at the bottom of the list, you understand, which means you are not going to get hired.

Mr. ASHBROOK. That sounds like Jonny Carson, "Here is the answer, now, where is the question?" [Laughter.]

Mr. ROBINSON. All right, let's go further, that's just in one area. In addition to that, many of the written tests they give are not job related; they ask you questions which have absolutely nothing to do with finding out whether or not you have the ability to perform as a police officer; they look for other kinds of things. And of course, the Federal law says that the test must test for the skills necessary to do the job.

So, in addition to that they are using a test that is not job related. Let's go further. The next step is a background check, and the background check is where they look to find out if you are a criminal and did do anything that would make you undesirable as a police officer. We all understand the necessity for that. But blacks and women, and others, were cut out for credit problems. I mean, what blacks and women in the United States don't have a credit problem? I'm sure some Members of Congress do.

And the matter of the thing is, the judge found that those kinds of things had nothing to do with whether or not the individual would be a good police officer.

In addition to that, they were cutting blacks out for dissolute habits—I'll pay anyone in here $50 if you can tell me what that means.

The thing about dissolute habits is, the individual who made those determinations for 11 years was brought in the court, and he didn't know, either.

Mr. CONYERS. You would probably get a pretty interesting list of activities.

Mr. ROBINSON. And that's just in the background check, there are other kinds of abuses, too.

But to speed it up, there is another portion that is all part of the intake process of whether or not you pass the examination to become a police officer. There is a medical examination; people with flat feet would be weeded out at a time when 90 percent of most all departments are mechanized—you are riding around all day long. If flat feet don't impair soldiers, why should it impair police officers?

Or weight, 5 or 10 pounds overweight. The training process takes 1 year, and anybody can reduce their weight by 5 or 10 pounds. They found that blacks were weeded out at a greater rate than whites for being overweight.

I can go on and on, you know, all of these kinds of things that they come up with, these professional test designers, in order to weed you out of the process, until they get down to however many they want to hire.

You have to pass the medical exam—oh, there was another, heart murmur. There is no machine known to man that can detect it, but of course, we do know it exists, and doctors do find it when they examine you. But, we had a set of civil service doctors who only heard heart murmurs in blacks. We would take people to the finest hospitals known—and Chicago is known for some of its hospitals—and they found nothing wrong with these people. One got discharged from the Marines, he was in perfect condition—the civil service doctor said he had a heart murmur. There were abuses in the medical process.

All I'm saying is, they have used every conceivable kind of trick. And of course, when the public hears it, they hear blacks are unqualified, you failed the test, you are too dumb to be a police officer, when it might not have had anything to do with your ability to be a police officer but was just one of the built-in tricks.

And that's the kind of evidence we produced over this 5-year period.

Mr. CONYERS. We want to thank you very much, Officer Brace, Officer Robinson, and Mr. Larson.

[The prepared statements of E. Richard Larson, Penelope Brace, and Renault Robinson follow:]

STATEMENT OF PENELOPE BRACE, PHILADELPHIA POLICE DEPARTMENT

My name is Penelope Brace. I am a Philadelphia police officer. Actually, I am designated as a "policewoman" since in Philadelphia there technically are no police officers—there are only "policewomen" and "policemen."

As you may be aware, I am one of the victims of LEAA's refusal to enforce its civil rights mandate. I appreciate this opportunity to tell you about my experiences with LEAA's Office of Civil Rights Compliance.

My experiences with LEAA began in July, 1973, more than two and a half years ago. In late July, I filed with LEAA a written charge of sex discrimination against the Philadelphia Police Department. I filed that charge because I believed that the federal government should not be financing local police department discrimination.

That the Philadelphia Police Department is discriminatory has hardly been questioned. Before I filed my charge, the federal courts had found rampant race discrimination in the Department. See *Pennsylvania* v. *O'Neill*, 345 F. Supp. (E.D. Pa. 1972) and 348 F. Supp. 1084 (E.D. Pa. 1972), modified in part, 473 F. 2d 1029 (3d Cir. 1973), on remand, 5 E.P.D. ¶ 8559 (E.D. Pa. 1973). The Department's sex discrimination has been no less rampant. For example:

Of nineteen job classifications for sworn officers in the Philadelphia Police Department, only four classifications, authorizing the employment of 86 females, are open to females: policewoman captain (1), policewoman lieutenant (2), policewoman sergeant (4), policewoman (79). The remaining fifteen sworn job classifications, authorizing the employment of 8,276 males, are open only to males. Thus, only 1.03 percent of the sworn officers may be female.

The Philadelphia Police Department, as of November, 1974, employed 8,245 sworn police officers, of whom only 74 (or .9 percent) were female.

All of the female officers are permanently assigned to the Juvenile Aid Division, although some of them are temporarily assigned to other divisions or units such as the Community Relations Division of the Civil Affairs Unit. There are no women on patrol in Philadelphia.

No female sworn officer, regardless of rank, is permitted to supervise any male sworn officer on a permanent basis, whether within or without the Juvenile Aid Division.

On these facts, even LEAA could not fail to make a determination of sex discrimination; and indeed, LEAA did make such a determination seven months after I filed my charge. Yet, if I thought that there were problems of sex discrimination before I filed my charge, I soon learned that my problems had only begun.

A week after I filed my charge, I was reassigned from the Juvenile Aid Division to the West Division, the division which is located farther from my home than any other division.

From approximately August 30, 1973, through approximately October 3, 1973, I was placed under surveillance by the Internal Security Division of the Philadelphia Police Department, a division under the direct supervision of Police Commissioner Joseph O'Neill.

By letter dated October 2, 1973, I was informed that I was to report for a "special psychiatric examination."

On November 7, 1973, I submitted an application for promotion to the positions of police corporal or detective. By letter dated December 24, 1973, from the Personnel Department of the Philadelphia Police Department, I was advised that I did not meet the requirements for the positions of police corporal or detective because I was not employed as a "policeman."

On November 26, 1973, the Philadelphia Police Department filed a statement of charges initiating dismissal procedures against me. On January 9, 1974, a hearing on those charges was held by the Department's Board of Inquiry. A decision was held in abeyance, like a weight over my head.

In the meantime, I had been preparing my own sex discrimination lawsuit against the Philadelphia Police Department. Thus, on February 12, 1974, I filed a complaint in the United States District Court alleging unlawful sex discrimination in violation of Title VII of the Civil Rights Act of 1964 and of 42 U.S.C. § 1983 against the city of Philadelphia and its officials, *Brace* v. *O'Neill*, No. 74-339 (E.D. Pa., filed Feb. 12, 1974).

Three days later, on February 15, 1974, I was fired by the Philadelphia Police Department. As the result of my appeal to the Civil Service Commission of the city of Philadelphia, I was reinstated on May 17, 1974.

Where was LEAA during all of this? Well, LEAA was continuing to finance the discriminatory practices of the Philadelphia Police Department, something LEAA has continued to do to this very day.

What has been particularly incongruous about LEAA's continued funding is, as I mentioned earlier, that LEAA completed its investigation, was unable to obtain voluntary compliance, and finally, in late January, 1974, made a formal determination of civil rights non-compliance against the Philadelphia Police Department. In a confirmation mailgram, dated February 1, 1974, to Police Commissioner Joseph O'Neill, the Director of LEAA's Office of Civil Rights Compliance stated:

"LEAA has determined that the Philadelphia Police Department has failed to comply with the LEAA equal employment opportunity regulations, 28 C.F.R. 42.201 et. seq., subpart D. The LEAA has further determined that compliance with these regulations cannot be achieved by voluntary means."

Under § 518(c) of the Omnibus Crime Control and Safe Streets Act, as amended, this of course is the point at which Congress has mandated that LEAA commence its administrative proceedings to terminate its funding to the Philadelphia Police Department. Congress of course authorized LEAA "concurrently" to take other actions such as referring the matter to the Department of Justice for litigation. With regard to Philadelphia, however, as is now a matter of public record, LEAA simply refused to follow its mandate, and instead chose to refer the matter of non-compliance to the Department of Justice. The February 1, 1974 confirmation mailgram continued:

"Accordingly this matter has been referred to the Civil Rights Division of the Department of Justice for consideration of the institution of appropriate legal proceedings in accordance with the law and regulations of the Department of Justice and the Law Enforcement Assistance Administration."

Unfortunately, I am not privy to the inner councils of the Civil Rights Division of the Department of Justice. But, apparently their lawyers reasoned that one sex discrimination lawsuit against the Philadelphia Police Department was not enough. Thus, in an interesting maneuver in legal economy, the Civil Rights Division, one week after I had filed my lawsuit against the Philadelphia Police Department, filed an identical lawsuit.

Since the focus of these hearings today is LEAA, not the Civil Rights Division of the Department of Justice, suffice it to say that the lawsuits eventually were consolidated, a result which has kept me from going to trial for more than a year. Last week, the Department of Justice agreed to an Interim Consent Decree pursuant to which the Philadelphia Police Department will study the performance of those women transferred to patrol, and will report back to the Court in two years. I refused to sign this Interim Consent Decree.

In the meantime, of course, LEAA funding has continued—despite LEAA's formal determination of non-compliance in January, 1974. In this regard, however, there has been a recent major development.

Last September, I sued LEAA and various of its officials, inter alia, for refusing to obey § 518(c) of the Act. Two months ago, on January 14, 1976, my lawyers served on LEAA a Motion For A Preliminary Injunction And For A Writ of Mandamus to compel LEAA and its officials to initiate the mandated administrative procedures to terminate LEAA funding to the Philadelphia Police Department. In response to that Motion, LEAA, on January 29, 1976, finally performed what it was legally mandated to have done two years earlier: LEAA initiated its administrative procedures to terminate its funding to the Philadelphia Police Department.

Maybe the fact that we are suing the LEAA officials for twenty million dollars because of their unlawful and unconstitutional behavior has helped to make them a little more aware of their civil rights mandate. More probable is the fact that this Congress currently is weighing LEAA's fate. But whatever the cause, the reality is that LEAA does not much care about the civil rights mandate of this Congress.

I've been a "policewoman" since 1965. In ten years I've dealt with a great many lawbreakers. None, however, has as consistently engaged in unlawful activities as LEAA.

STATEMENT OF E. RICHARD LARSON, EXECUTIVE DIRECTOR, AMERICAN CIVIL LIBERTIES UNION

My name is E. Richard Larson. I am the Executive Director of the American Civil Liberties Union. I appear here today to testify on behalf of the American Civil Liberties Union.

Appearing with me today are two police officers. Penelope Brace is a police officer with the Philadelphia Police Department. Renault Robinson is a police officer with the Chicago Police Department; he is also the Executive Director of the National Black Police Association, Inc. As you are aware, Officer Brace and the NBPA are among the thirteen plaintiffs in a civil rights enforcement lawsuit filed last September against LEAA: *National Black Police Association, Inc.* v. *Velde*, Civ. No. 75–1444 (D.D.C., filed Sept. 4, 1975). The plaintiffs in that lawsuit are represented by lawyers from the American Civil Liberites Union Foundation and from the Lawyers' Committee for Civil Rights Under Law.

Last October, I testified before the Senate Subcommittee on Criminal Laws and Procedures. In my submitted statement, I reviewed the pervasive extent of race and sex discrimination in our nation's law enforcement agencies; the nature of LEAA's statutory civil rights mandate as the strongest mandate imposed upon any federal funding agency; LEAA's intentional disregard of that mandate; LEAA's refusal to amend its unlawful regulatory preference for judicial resolution rather than fund termination; LEAA's refusal to initiate fund termination procedures; LEAA's inadequate complaint, compliance and conciliation procedures; the effect of LEAA's program of civil rights enforcement on and discrimination against persons such as police officer Penelope Brace.

Since I understand that copies of my October statement have been made available to you, I will not reiterate the information I discussed therein.

Similarly, I will not repeat the LEAA civil rights enforcement material so exhaustingly reviewed in United States Commission on Civil Rights, The Federal Civil Rights Enforcement Effort—1974: To extend Federal Financial Assistance, Vol. VI (November, 1975).

I will limit my comments to two related series of events: (1) the various actions and inactions which led to the announcement and filing of our civil rights enforcement lawsuit against LEAA and to my October testimony; and (2) several of the developments which have occurred subsequent thereto. My comments as to the latter will be necessarily brief as LEAA has refused to respond to any of our court discovery since the filing of the lawsuit. And since LEAA has moved to dismiss the lawsuit on technical grounds rather than answering the factual allegations in the complaint, it is unlikely that we will obtain any further information about LEAA civil rights enforcement for many months to come.

LEAA ACTIONS AND INACTIONS PRIOR TO THE ANNOUNCEMENT AND FILING OF THE CIVIL RIGHTS ENFORCEMENT LAWSUIT AGAINST LEAA

The primary civil rights actions and inactions which led to our lawsuit and my testimony are set forth in my October statement and in the thorough report by the United States Commission on Civil Rights.

There are, however, several other aspects which have not yet been thoroughly probed. Those aspects may be summarized by the simple fact that LEAA has seldom if ever taken any positive steps toward civil rights enforcement except when pressured by Congress or by civil rights organizations to do so. A little history and several examples reveal this pattern.

(1) Contemporaneously with the creation of LEAA, the Kerner Commission reported that the absence of minority police personnel contributed to civil disorders and thus recommended the initiation of minority recruitment efforts, comprehensive reviews of police employment practices, the elimination of discriminatory police practices, and the initiation of community relations training for police. See Kerner *et al.*, Report of the National Advisory Commission on Civil Disorders, ch. 11 (1968). A year later, the United States Commission on Civil Rights found that police departments engaged in discriminatory recruitment, discriminatory hiring and promotion, discriminatory job assignments and discriminatory harassment. United States Commission on Civil Rights, For All The People . . . By All The People, 120 (1969).

(2) One year later, in October, 1970, the United States Commission on Civil Rights reported that LEAA was the only federal funding agency which did not have a civil rights office, that LEAA did not have a civil rights compliance reporting system, and that LEAA had failed to issue equal employment opportunity regulations. U.S. Commission on Civil Rights, Federal Civil Rights Enforcement Effort, 205–218 (1970).

(3) Subsequently, LEAA created an Office of Civil Rights Compliance, and in December, 1970, LEAA finally issued equal employment opportunity regulations. Those early regulations, however, were woefully inadequate.

(4) Since civil rights organizations were unable to convince LEAA of the inadequacy of its regulations, several such organizations, led by the Leadership Conference on Civil Rights, filed a formal Petition for Regulatory Change one year later, in December, 1971. After a year and a half of protracted negotiations, LEAA finally issued amended equal employment opportunity regulations. See 28 C.F.R. §§ 42.301, 38 Fed. Reg. 23516 (Aug. 31, 1973). The Petition and negotiations, however, did not succeed in removing LEAA's regulatory preference for judicial enforcement rather than administrative enforcement.

(5) In the meantime, in the Spring of 1973, LEAA's overall program of nonenforcement was subjected to additional criticism in Congress. See LEAA Hearings Before Subcommittee No. 5 of the Committee on the Judiciary, House of Representatives, 93rd Cong., 1st Sess., 53, 73–75, 212–213, 300–301 (March, 1973). Partially as a result of those hearings, § 518(c) of the Omnibus Crime Control Act was amended by that Congress several months later in 1973 "to reverse LEAA's traditional reliance on Court proceedings to correct discrimination rather than undertaking administrative enforcement," 119 Cong. Rec. 20071 (1973).

(6) In response, however, LEAA not only refused to follow that directive in practice, but also refused to amend its pre-1973 regulations preferring a judicial remedy over administrative enforcement. See 28 C.F.R. §42.206(a), 37 Fed. Reg. 16671 (Aug. 18, 1972). That unlawful regulatory preference remains in effect today.

(7) In February of 1975, LEAA hosted a "Policy Development Seminar on Civil Rights Compliance" at Meadowbrook Hall in Rochester, Michigan. The near-unanimous recommendations by the participants in that seminar included the following: that state planning agencies "should be more promptly notified of complaints, advised of their contents, and given an opportunity to achieve compliance;" that LEAA should reach the "merits of complaints more expeditiously and time limits should be met;" that there "should be a more orderly procedure for conducting compliance reviews;" and that LEAA's unlawful regulatory preference for judicial rather than administrative remedies should be amended and "that preference should be given to administrative proceedings." Despite these wholly reasonable recommendations, winter, spring and summer of 1975 passed with no change in LEAA policy or practice.

The filing of our civil rights enforcement lawsuit against LEAA on September 4, 1975 was precipitated by the foregoing. Yet, during the nine months prior to filing, ACLU staff counsel E. Richard Larson spoke frequently with representatives of LEAA's Office of Civil Rights Compliance urging voluntary enforcement rather than the necessity of a lawsuit.

Those months were not the only occasions during which Mr. Larson heard LEAA's excuses for its civil rights nonenforcement. Much earlier, during 1973–74, Mr. Larson, in a private consultant capacity prior to his ACLU employment, participated in LEAA funded workshops to train state planning agency personnel in LEAA's civil rights enforcement responsibilities. From that time to the present, LEAA's excuses have been repeated and repeated. Examples of some of those excuses and the ACLU's prepared responses (as reported to an independent investigator this past fall) are illustrative of the problems at LEAA.

LEAA Excuse No. 1.—"The Office of Civil Rights Compliance is doing the best it can with its limited staff."

ACLU Comment.—"LEAA neither is doing well nor does it have limited staff.

"Although LEAA, in the seven years of its existence, has awarded more than 35,000 grants, and more than one and a quarter billion dollars to law enforcement agencies, LEAA (1) has conducted only sixteen on-site compliance reviews; (2) has established no liaison with the EEOC to receive discrimination complaints against LEAA recipients; (3) has failed to resolve complaints dating back to 1973 and 1972; (4) has never used the administrative hearing fund termination procedures mandated by law; (5) has willfully violated its fund termination mandate by maintaining its pre-1973 regulations preferring a judicial remedy; (6) has willfully and without authority refused to carry out its mandate much less even to investigate complaints where local litigation has been brought against an LEAA recipient; (7) has failed to monitor compliance with its regulations; and (8) has in diverse other ways wholly abdicated its enforcement role.

"Although the appropriate characterization of LEAA's record is one of failure, LEAA's characterization of doing the best it can may hold some truth—not because of limited personnel, but because of an intentional disregard of its governing legislation and apparently because of ineffective leadership.

"LEAA simply does not have an inadequate source of personnel. Its centralized Office of Civil Rights Compliance has approximately twenty full-time professional staff members, and over various periods of time LEAA has borrowed from other agencies numerous civil rights investigators and other specialists. Additionally, LEAA's Office of Civil Rights Compliance has contracted with consultants for the development of its technical assistance guides and manuals and has awarded grants to a training organization for the civil rights training of SPA personnel.

"Beyond these resources, LEAA has additional resources which it apparently has chosen not to use. For example, LEAA, like HEW, employs numerous professionals in ten regional offices; but, unlike HEW, which conducts a major portion of its civil rights enforcement program from the regional offices, LEAA appears to engage in little if any enforcement at the regional level. LEAA also could obtain extensive enforcement assistance from the numerous professionals employed by the SPAs, many of whom have received civil rights compliance training from the International Association of Official Human Rights Agencies pursuant to LEAA grants of more than half a million dollars received over at least three years.

"Although LEAA's enforcement record thus appears to result from a lack of commitment and leadership rather than from a shortage of personnel, LEAA could attempt to alleviate its alleged shortage of staff by utilizing the unused personnel which is available and/or by seeking an increase in personnel appropriations from Congress. It has done neither."

LEAA Excuse No. 2.—"The Office of Civil Rights Compliance is correct in not taking action in cases where federal court suits are pending."

ACLU Comment.—"LEAA's unwritten policy of refusing to take any action (from investigations through fund termination) where litigation is pending against an LEAA recipient not only is illegal but also provides an excellent illustration of LEAA's total misconception of its responsibility for civil rights enforcement.

"It should be quite elementary even to LEAA that there are two separate sets of federal prohibitions against discrimination. (1) One set is directed at the states and their agencies. Thus, for example, the Fourteenth Amendment, 42 U.S.C. § 1983, and Title VII of the Civil Rights of 1964 prohibit state and local law enforcement agencies from engaging in discrimination. The remedy for a violation of these prohibitions is a federal court injunction against such discrimination and an award of back pay to the persons discriminated against. (2) The other set of federal prohibitions is directed against the federal government and its agencies. Thus, for example, the Fifth Amendment and § 518(c) of the Omnibus Crime Control and Safe Streets Act, as amended, prohibit LEAA from participating in discrimination. The remedy for a violation of these prohibitions is the termination of such federal participation by terminating LEAA funding to discriminatory recipients.

"Unfortunately, this simple dichotomy has not yet been perceived by LEAA. Since LEAA apparently believes that the federal prohibitions run only against its state and local recipients, LEAA has chosen to take no action where local litigation is pending. By this route, not only does LEAA continue to fund the very practices which ultimately (in every case thus far) are decreed to be unlawful by the courts, but also—under such court decrees—LEAA's joint participation is at least implicitly also decreed to be unlawful.

"Even aside from LEAA's failure to perceive this dichotomous mandate, LEAA's position violates the plain language of § 518(c). No matter what the nature of the local litigation, § 518(c) speaks of recipient noncompliance with this 'subsection or an applicable regulation.' Since local litigation seldom if ever involves a law enforcement agency's compliance with § 518(c) or with LEAA regulations, this portion of § 518(c) is wholly disregarded by LEEA's unwritten policy of taking no action where local litigation is pending against an LEAA recipient.

"Finally, since no other federal agency has taken such a position (either under its governing statute or other Title VI) and since LEAA's position is nowhere authorized, we'd be curious to learn the basis for LEAA's position that its unwritten policy is correct.

"Parenthetically, it should be noted that a large number of HEW's Title VI enforcement actions has been taken against school districts against whom local litigation was pending."

LEAA Excuse No. 3.—"The requirement of a certification that a sub-grantee has an Equal Employment Opportunity Program on file is the most the Office of Civil Rights Compliance can do at the present time in the block grant area."

ACLU Comment.—"LEAA's certification requirement is probably the least that it can do to monitor civil rights compliance. This is readily apparent from a brief review of two elements central to LEAA's enforcement effort.

"First, LEAA funding is an early form of special revenue sharing, i.e., federal funding with very few strings attached. Two very major statutory strings are attached, however, both of which follow the federal monies to their ultimate destination. One string is in the area of planning and the second string is in civil rights. In both areas LEAA's federal enforcement power is clearly authorized and is closely guarded.

"Second, pursuant to its civil rights enforcement power, LEAA has promulgated regulations which require all recipients and sub-grantees to prepare and to have on file an Equal Employment Opportunity Program (EEOP). 28 C.F.R. §§ 42.301 et seq. Although this portion of its regulations is fairly good, LEAA has declined to require the filing of these EEOPs with LEAA or with the SPAs; instead, LEAA has required merely that a recipient or subgrantee file a certificate with the SPAs stating that the EEOP is on file with the recipient or subgrantee. 28 C.F.R. § 42.305.

"This second element obviously raises a serious question: What is the use of an EEOP in monitoring civil rights compliance when it is filed only with the recipient and not with LEAA and the SPAs? Answer: little or no use.

"If LEAA chose to follow its civil rights mandate, it very easily could require that the EEOP be filed with LEAA and with the SPAs—a single step which would immensely simplify its compliance review procedure.

"LEAA's negligence, or maybe willfulness, in this regard cannot be excused for lack of precedent. HEW, for more than a decade has required every school district in the country to file HEW–101 forms with its regional offices. This rather simple device has been used as the starting point for HEW's Title VI civil rights enforcement program.

"LEAA's default in not using such a simple procedure is but another example of LEAA's failure to conduct a civil rights enforcement program."

LEAA Excuse No. 4.—"Given the shortage of staff, it is better to use staff to help grantees develop civil rights programs rather than to spend time on investigations and hearings following complaints against individual offenders."

ACLU Comment.—"Both the premise and the conclusion are in error.

"As discussed in the commentary on LEAA Excuse No. 1, LEAA does not have a personnel shortage; rather, it has a serious underutilization and misdirection of existing and available personnel.

"A good example of this underutilization and misdirection is LEAA's use of staff to develop civil rights programs rather than to enforce its governing statute. The mandate of that statute is most clear: where there is noncompliance, and where voluntary compliance has failed, fund termination must be undertaken. LEAA cannot arbitrarily choose to violate this mandate because it feels that a greater good can be accomplished by unauthorized means.

"This is not meant to downgrade the importance of developing civil rights programs. Rather this criticism merely restates the general civil rights position that LEAA should be doing its job (enforcement through fund termination) rather than someone else's job.

"Notably, the other job (of developing civil rights programs) is already being accomplished by numerous other organizations, some of which are funded for that purpose by LEAA grants. In the latter category are the International Association of Official Human Rights Agencies, the National Urban League, the Marquette Center for Criminal Justice Agencies, and the Industrial Relations Center of the University of Chicago, which have received millions of dollars in LEAA funding over the past three years for the express purposes of training, of developing civil rights programs, of assisting in affirmative action recruitment, and of reviewing, developing, and validating police selection criteria. Since this job can be and is being conducted under LEAA grants, there is no reason whatsoever for LEAA staff members to duplicate this function.

"Beyond the civil rights assistance given under LEAA grants an even broader array of technical assistance has been available for years and continues to be available from the EEOC's Office of Voluntary Programs. Since all state and local recipients of LEAA funding are eligible for the EEOC's technical assistance, it is wastefully duplicative for LEAA's staff to be attempting such assistance.

"Not only is LEAA's use of staff duplicative, but it has deterred LEAA from performing its mandated task of federal enforcement."

LEAA Excuse No. 5.—"The Office of Civil Rights Compliance does not have the staff to do pre-award screening of grant applications made by local agencies to the SPA's. As a corrollary, the SPA's do not have the technical sophistication to do such pre-award screening themselves."

ACLU Comment.—"LEAA's position makes quite clear that it simply does not want to undertake pre-award reviews.

"As noted in the commentary on LEAA Position 3, LEAA could simplify the pre-award review procedure immeasurably merely by requiring recipients to file their EEOPs with LEAA and with the SPAs.

"And as noted in the commentary on LEAA Positions 1 and 4, LEAA has an adequate staff in its central office, its regional offices, and in the SPA's to undertake a massive pre-award compliance program. And, indeed, after three years and half million dollars of training, the SPA staff members probably have a greater sophistication in civil rights compliance than do the staff members of LEAA's central Office to Civil Rights Compliance. From LEAA's perspective, the true problem might be LEAAs worry that some SPA staff members would be too effective in civil rights enforcement; indeed, it was the Illinois SPA, not LEAA, that denied further funding to the discriminatory Chicago Police Department."

LEAA Excuse No. 6.—"LEAA's civil rights regulations are among the most specific and aggressive of any federal agency."

ACLU Comment.—"This position is predominantly in error and that part which may be partially correct is wholly misleading.

"LEAA's Title VI regulations, adopted from the Justice Department, are similar and in most respects identical to the Title VI regulations of every other federal agency. 28 C.F.R. §§ 42.101 et seq.

"LEAA's § 518(c) regulations, 28 C.F.R. §§ 42.201 et seq., not only parallel its Title VI regulations, but they were issued before § 518(c) was amended in 1973 to require mandatory rather than discretionary fund termination. Subsequent to the 1973 amendment, there has been no change in LEAA's regulatory preference for a judicial remedy rather than for administrative enforcement, 28 C.F.R. § 42.204(a), nor have there been any other changes. This is particularly startling since LEAA's statutory civil rights mandate is stronger than that governing any other federal enforcement agency. Other agencies, however, have stronger enforcement regulations. For example, although the Office of Revenue Sharing is governed by a weaker statutory mandate, it has issued regulations requiring efforts at voluntary compliance to take no more than 60 days, 31 C.F.R. § 51.32 (f); requiring the withholding of all future funding if no corrective action is taken within those 60 days, 31 C.F.R. § 51.3(a); and authorizing it to seek repayment of funds, 31 C.F.R. § 51.32(f). No such 'specific and aggressive' regulations have been promulgated by LEAA.

"Finally, LEAA's equal employment opportunity regulations, 28 C.F.R. §§ 42.301 et seq., some of which are quite good, were issued quite reluctantly only after years of negotiations with the Leadership Conference on Civil Rights. Although some of these regulations might be characterized as 'specific,' they are hardly 'aggressive' since they fail to require the filing of any information with LEAA. See the commentary on LEAA Excuse No. 3, above.

"In sum, the LEAA regulations are inadequate and in one instance unlawful. But even if LEAA issued adequate regulations, there would be no guarantee of any improvement in LEAA's actual practice of civil rights nonenforcement."

LEAA Excuse No. 7.—"Fund termination in discrimination cases would hurt the minorities which are often the beneficiaries of LEAA funding through improved law enforcement in their community."

ACLU Comment.—"Probably more than any other LEAA position, this position most plainly illustrates LEAA's ultimate disregard of its civil rights enforcement mandate.

"Unfortunately, LEAA's position is premised upon the unproven theory that LEAA funding has served to provide improved law enforcement. Unfortunately, the contrary may be true, especially in minority communities where pre-trial and pre-delinquency diversion programs are used to stigmatize nonoffenders for life.

"But even if there were some factual basis for LEAA's position, it is not LEAA's prerogative to make legislative judgments much less to willfully disregard a legislative judgment which has taken the form of requiring mandatory not discretionary fund termination. Nor of course is it LEAA's prerogative to violate the Fifth Amendment to the United States Constitution by participating in unlawful discrimination."

DEVELOPMENTS SUBSEQUENT TO THE ANNOUNCEMENT AND FILING OF THE CIVIL RIGHTS ENFORCEMENT LAWSUIT AGAINST LEAA

During the spring and summer of 1975, it became obvious to the ACLU that LEAA would act only if additional pressure were brought against LEAA. In mid-August, our civil rights enforcement lawsuit was announced in several newspapers. On September 4, 1975 the complaint was filed.

In the succeeding months, LEAA not unexpectedly has responded to the pressure.

In varying degrees, LEAA has given particularly close attention to the named plaintiffs in the lawsuit. For example, although LEAA first discovered New Orleans' discriminatory height requirement during a compliance review in March, 1973, and the same in January, 1975, it was not until October, 1975 that LEAA seriously threatened fund termination thereby forcing elimination of the height requirement. Similarly, although LEAA first dicovered Honolulu's discriminatory height requirement during a complaint investigation in 1972, it was not until September of 1975 that LEAA seriously threatened fund termination thereby forcing elimination of that height requirement. Thus, after years of waiting, plaintiffs Joel Michele Schumacher and Jennie A. McAllister, both with higher education backgrounds in law enforcement, are finally eligible for police officer employment with those respective police departments.

LEAA has also responded in a more general manner. On December 3, 1975, LEAA published proposed regulations interpreting § 518(c) of the Omnibus Crime Control and Safe Streets Act, as amended. See 40 Fed. Reg. 56454–56457 (Dec. 3, 1975). Although there are problems with several of the proposed regulations (e.g., § 42.206 is amended to remove the preference for judicial enforcement, but a new § 42.410 allows an indefinite deferral of administrative enforcement where judicial proceedings are pending against a recipient), many of the regulations could represent an important first step toward civil rights enforcement. Most interesting, however, is the fact, readily conceded by LEAA, that "the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553), requiring notice of proposed rulemaking, opportunity for public participation, and delay in effective date are inapplicable." 40 Fed. Reg. 56454. In other words, although not required to, LEAA has again chosen to delay. We of course remain curious not only as to when the final regulations might be adopted but also as to what their form will be.

One of the most revealing of LEAA's responses to the pressure being brought to bear, occurred less than a month ago. On January 14, 1975 our lawyers filed a motion for a preliminary injunction to compel LEAA to initiate its administrative fund termination procedures against the sex discriminatory Philadelphia Police Department—which LEAA had formally determined to be in civil rights noncompliance two years earlier. Our lawyers also sought to compel initiation of the same procedures against similarly situated police departments (unknown to us). Rather than fight us in court, LEAA, on January 29, 1976, initiated those long delayed procedures against the Philadelphia Police Department. And we have read in the newspapers that LEAA the same day initiated the same procedures against the racially discriminatory South Carolina State Police.

CONCLUSION

In my October statement, I recommended to the Senate Subcommittee on Criminal Laws and Procedures that various directions, restrictions, and time periods be imposed upon LEAA's existing power and authority. I adhere to those recommendations even more strongly today.

STATEMENT OF RENAULT ROBINSON, INFORMATION OFFICER, NATIONAL BLACK POLICE ASSOCIATION

My name is Renault Robinson. I am the Information Officer of the National Black Police Association. I am also a Chicago police officer and the lead plaintiff in *Robinson* v. *Shultz*, now entitled *Robinson* v. *Simon*, the lawsuit which has resulted in court orders requiring the Office of Revenue Sharing to suspend 95 million dollars in revenue sharing funds to the City of Chicago because of discrimination.

As we're all aware, LEAA has been given the strongest civil rights mandate of any federal agency—a mandate stronger than that imposed upon the Office of

Revenue Sharing. The mandate imposed upon LEAA requires it to terminate its funding to any law enforcement recipient which LEAA determines to be engaged in discrimination.

Since LEAA has never terminated or denied any funding pursuant to the administrative procedures set forth in § 518(c) of the Omnibus Crime Control and Safe Streets Act, as amended, there are only two possible conclusions: (1) law enforcement agencies have not engaged in discrimination and LEAA thus has satisfied its mandate; or (2) law enforcement agencies have engaged in discrimination and LEAA thus has refused to heed its mandate.

I submit to you that it is only the latter which could be and it is true.

It certainly is not the former since it is conceded by civil rights observers that race and sex discrimination is rampant in this country's law enforcement agencies. The extent of this discrimination has been documented by the United States Commission on Civil Rights, by the National Civil Service League, by the International Association of Chiefs of Police, and by the Race Relations Reporter. Indeed, in reporting this month on LEAA's civil rights program, Juris Doctor noted: "That discrimination is widespread isn't at issue. Law enforcement has traditionally been a bastion of white male exclusivity."

The National Black Police Association is intimately familiar with the breadth of that discrimination. The NBPA is composed of more than fifty local black police organizations from across the country. Both the NBPA and out local organizations have been challenging this discrimination for years. More appropriately, we have been challenging this LEAA funded discrimination for years.

In 1972, the Shield Club, a member of the NBPA, sought to eliminate the racially discriminatory employment practices of the Cleveland Police Department by filing a federal court lawsuit. Ironically, LEAA, also in 1972, conducted a compliance review of the Cleveland Police Department, voiced no objection to the Department's employment practices, and awarded to the Department a discretionary grant for the hiring of additional sworn personnel. A year later, however, as a result of the lawsuit, see, e.g., *Shield Club* v. *Cleveland*, 370 F. Supp. 251 (N.D. Ohio 1973), the court found unlawful racial discrimination in the Cleveland Police Department; a court-ordered percentage of discriminated against black applicants received appointments as police officers; a new non-discriminatory, entry level test was required to be developed; promotions were held up and new promotional tests were developed; background screening procedures were changed; and time-in-grade seniority points were eliminated.

In 1972, the Bridgeport Guardians, a member of the NBPA, sought to eliminate the racially discriminatory employment practices of the Bridgeport (Connecticut) Police Department by filing a federal court lawsuit. As a result of that lawsuit, see, e.g., *Bridgeport Guardians* v. *Bridgeport Civil Service Commission*, 354 F. Supp. 788 (D. Conn.), modified, 482 F.2d 1333 (2d Cir. 1973) and 497 F.2d 1113 (2d Cir. 1974), the courts found unlawful racial discrimination in the Bridgeport Police Department; a court-ordered percentage of discriminated against black applicants received appointments as police officers; the use of racially discriminatory tests was enjoined; discriminatory time-in-grade requirements for promotion were required to be reduced from three years to one year; and seniority weighting for promotion was required to be decreased from 40 percent to 10 percent.

In 1972, the Afro American Patrolmen's League, a member of the NBPA, sought to eliminate the racially discriminatory promotion practices of the Toledo Police Department by filing a federal court lawsuit. As a result of that lawsuit, see, e.g., *Afro American Patrolmen's League* v. *Duck*, 366 F. Supp. 1095 (N.D. Ohio 1973), aff'd, 503 F.2d 294 (6th Cir. 1974), the courts found unlawful racial discrimination in the Toledo Police Department; and the use of a promotion test, of bonus seniority points for promotion, and of a five-year time-in-grade requirements for promotion was enjoined.

In 1973, the Society of Afro American Police, a member of the NBPA, sought to eliminate the racially discriminatory employment practices of the Flint (Michigan) Police Department, by filing administrative complaints with the Michigan Civil Rights Commission and the EEOC, and thereafter by intervening in a lawsuit against the Flint Police Department. As a result of that lawsuit, see, e.g., *Holliman* v. *Price*, 7 E.P.D. ¶ 9069 (E.D. Mich. 1973), the court found unlawful racial discrimination in the Flint Police Department; the use of racially discriminatory tests, of height and weight requirements, and of college education requirements was enjoined; the number of black police officers has increased from ten to fifty-four since 1972; and the number of black sergeants has increased from zero to seven since 1972.

These are only a few of the successful lawsuits brought by NBPA member organizations. There of course are others. The Officers for Justice, an NBPA member, has won comprehensive court orders against the San Francisco Police Department. Similarly, the Guardians of Greater Pittsburgh has won a comprehensive race and sex discrimination lawsuit against the Pittsburgh Police Department. And the Guardians of Michigan has won two major lawsuits: one against the Detroit Police Department enjoining its discriminatory layoff policies; and another against the Wayne County Sheriff's Department enjoining its discriminatory promotion practices.

We also are involved in numerous discrimination challenges which have not yet resulted in the inevitable court decrees finding discrimination.

During the past three years, the Louisville Black Police Officers Organization, a member of the NBPA, has sought to eliminate the racially discriminatory employment practices of the Louisville Police Department by filing administrative complaints with the Louisville Human Relations Commission, the Kentucky Human Rights Commission, and the EEOC; by filing a revenue sharing complaint with the United States Department of the Treasury; by filing an LEAA complaint with LEAA; and by filing a federal court lawsuit.

The Oscar Joel Bryant Association, a member of the NBPA, has sought to eliminate the racially discriminatory employment practices of the Los Angeles area police and sheriff's departments by filing administrative complaints with those police and sheriff's departments and with the California Fair Employment Practices Commission.

The Magnolia State Peace Officers Association of Louisiana, a member of the NBPA, has sought to eliminate the racially discriminatory employment practices of the Louisiana State Police by filing a charge of discrimination with the United States Department of Justice.

The Guardians of Justice, a member of the NBPA, has sought to eliminate the racially discriminatory employment practices of the Richmond (California) Police Department by filing LEAA charges and by filing a federal court lawsuit.

And so on and so on. Et cetera, et cetera.

Probably the most prominent point is that all of the above police departments have continuously received LEAA funding. LEAA cannot be blind to these discriminatory practices, and yet it never obeyed its mandate by terminating funding to any of the above police departments.

No matter how broad or deep the discrimination, LEAA funding continues. This federal participation in police department discrimination must be terminated. Probably the only means to accomplish this task is to terminate LEAA.

Mr. CONYERS. The committee stands adjourned.

[Whereupon, at 1:35 p.m., the subcommittee adjourned, subject to the call of the Chair.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, MARCH 25, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10 a.m., in room 2226, Rayburn House Office Building, Hon. John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers and McClory.

Also present: Maurice A. Barboza, counsel; Leslie Freed, assistant counsel; and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order.

The Subcommittee on Crime is meeting today to hear testimony concerning reauthorization of the Law Enforcement Assistance Administration. At the commencement of these hearings we heard from the U.S. General Accounting Office, who have been performing an oversight function for Congress on LEAA for the last 3 years.

Members of GAO have raised the issue of whether we are any closer now after 8 years and $4.4 billion, to knowing what causes crime and what we can do to reduce it. They have suggested we establish in LEAA a truly responsive research capability to provide models for the States to implement in their fight against crime.

The subcommittee heard from an attorney who testified also in the 1973 hearings on LEAA, who brought to us the benefit of her research into LEAA's administration and policy. She cautioned Congress to scrutinize closely the research capability of LEAA as well as the priorities in allocation of discretionary funds. Her thesis was that the vehicle which acts as a conduit of Federal funds to the States, the SPA, has become responsive neither to the States nor the Federal Government.

She suggests SPAs be dismantled and be replaced by an agency of the State's choice which would be responsive to legislatures, local governments, functional elements of the criminal justice systems, and citizens. She stated, and has been quoted many times in these hearings, that LEAA is nothing but a program of "fiscal relief."

We have held 8 hearings so far and received testimony from almost 40 witnesses. Most were recipients of grants from LEAA and have a vested interest in the process. In addition, representatives from the functional components of the criminal justice system, courts, corrections, and police have spoken to us about their needs. Most of their pleas have been for continuation of the Agency, in a slightly different form, and allocations to their groups of more money with fewer restrictions.

Deputy Attorney General Tyler appeared with Administrator Richard Velde and expressed some dissatisfaction with the program. He said, he "would like to see an expanded role for the National Institute and have it operate in closer proximity to the Department of Justice." In addition, he would like to see efforts to evaluate projects prospectively and retrospectively and he would like to see the administrative capacity of LEAA improved.

Congress has expressed dissatisfaction with the program also. We have heard testimony from five representatives in Congress who have intense concern over the Agency's actions. They have submitted proposals in the form of bills to amend the Crime Control Act to get the program back on track, reducing and preventing crime. The questions that I and my colleagues on the subcommittee have asked our witnesses show our concern for the policies, priorities, and actions of the Agency in the past. It is evident now that the Agency cannot be permitted to exist in its present form.

Probably the most moving testimony we heard was that of Mr. Renault Robinson representing the National Black Policemen's Association. He is a plaintiff in the lawsuit against the Chicago Police Department. His efforts resulted in the suspension of LEAA funds to Chicago.

We all agree that it is necessary to encourage community participation in the fight against crime. Today the former Administrator of LEAA, Mr. Donald Santarelli will testify to what his expectations for the Agency were.

We will hear from a professor at Temple University who has instituted a community outreach program without benefit of LEAA funds. We will hear too from a respected member of the community who attempted and was not able to receive LEAA funding.

As the subcommittee members prepare to mark up a bill to amend the Crime Control Act, we will weigh seriously the successes and failures of LEAA and what directions the Agency should take in the future.

As we continue in the hearings on the reauthorization of the Law Enforcement Assistance legislation, we are very privileged to have today Mr. Donald Santarelli, Mr. Seymour Rosenthal, and Mr. Art Nicoletti as our witnesses.

Our first witness will be the former Administrator of the Law Enforcement Assistance Administration, Mr. Santarelli.

Mr. Santarelli is in private practice in his own firm but he was the Administrator of this program from 1973 through 1976. He has served a number of years in the Justice Department as an Assistant Deputy Attorney General in several capacities. He also has both Senate and House counsel experience on a judiciary subcommittee.

He is, in addition, a director of a corporation for public broadcasting.

We welcome you Mr. Santarelli and consider it a privilege to have a former Administrator of this program to come before our committee for testimony.

You are aware that we have been having hearings over the last couple of months in which we have been trying, frankly, to assess both the strengths and weaknesses of this legislation. We have had testimony from the General Accounting Office, GAO, from our governmental concerns, we have had many office holders and organizations which are self-interested in this legislation.

I do not say that in a pejorative sense, the fact of the matter is that many of them have been constructively critical. We have had, of course, persons not connected with LEAA also testifying. What we have been trying to do is to understand how LEAA fits into this broad criminal justice system of ours.

We are very pleased that you would accept this invitation. So, without further adieu, I yield the microphone for your presentation.

TESTIMONY OF DONALD SANTARELLI, FORMER ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. SANTARELLI. Thank you, Mr. Chairman. I appreciate the opportunity to appear before this subcommittee and I am mindful of my alumnus status and will try not to be abusive of it.

I want to say by opening that it is somewhat difficult for me to appear this morning. I hope that the chairman and the members of this subcommittee appreciate my dilemma as I tread very lightly over the holes. Ex-Administrators of agencies are best forgotten and that their long and dead hand should not reach back with any significant degree of inference to undercut the present leadership.

Therefore, it is with that in mind that I do appear this morning and will try to make my comments useful without being harmful. On the other hand, I have some very strong views on the subject of criminal justice, because it has been my professional commitment for the 10 years since I have been out of the University of Virginia and I have lived through a number of experiences in the Department of Justice, high-back to the Department of Justice.

Being somewhat philosophical to my ultimate experience, I will try to give it as small benefit as I can of overviews as opposed to very precise and analytical data which I no longer have the luxury to have the staff to assist me with.

Recalling my testimony, it was much easier to have facts and data available.

Mr. Chairman, I hope you will forgive my memory, it has been 1½ years since I left LEAA's administratorship. The first thing I would like to emphasize is to appreciate LEAA in perspective.

You have heard about the history of LEAA and recall the turmoil in which it was created. And the policies of the time, and remember that the language written in 1968 was focused rather parenthetically towards what now has been somewhat naive concepts. One was that all we needed to do was spend a lot of money on an antiquated criminal justice system and we will reach the millineum of public safety and crime reduction.

Second, that police was the primary place where the focus needed to be made and that if we simply improved police we would somehow deal with crime in America. Without being critical, it was prepared under the direction of the Attorney General, Nick Katzenbach, really was somewhat misleading in his historical perspective. Perhaps everyone was excusable in the term of the timing in which we draw our conclusion and at that time those were the conclusions.

But, there were some of us then and some now that feel that improving the justice system, making a so-called watch a better cop does not necessarily impact on crime. Because we have not really

gotten to the cases of crime in America as opposed to threatening the system by which we deal with it after the fact.

Having said that, we batted LEAA's involvement to what was an effort to put among weak-kneed and fatted criminal justicism and that was the purpose and intention of the people then making the policy in 1968 and again in 1969 and 1970. That was where we wanted to put assets and we did.

This was long before I got to LEAA. But I was in a posture to add the concern of Congress and the executive branch. LEAA encouraged that there is a never changing set of priorities, but a never changing set of technicalities and that is there is always tension builders in our society that are seeking to attain perhaps a portion of the body. We will just have to learn to live with these tensions.

The evolution was then that the police were given the lion's share and I supported it at that time. So that we do not misunderstand my remarks which will be critical, I was critical then, I was critical when I was an administrator and I will be critical now, because that is our function; never be satisfied.

When the police receive up to 73 percent of LEAA's funding we had pretty much brought them to a cost effective basis, their best possible posture. In terms of the other elements of the criminal justice system, the courts and correction with faltering came in.

Now we have reached a period in the evolution of LEAA where we have seen very substantial funding for police, for corrections and improvement of them intrinsically, but no improvement in their outlook in particular. Police rates have not changed and correctional rates have not significantly changed. We are now at that dilemma.

Now we say that the courts have not been adequately provided for in the LEAA program. But we have not seen a vast improvement in police and a vast improvement in corrections. I submit to you that is my basic proposition.

Mr. Chairman, what service I could be to this committee to believe that LEAA was a crime-reduction agency or entity is somewhat optimistic. It is misleading to continue to repeat so boldly and knavely over and over again that LEAA will reduce crime in America. I happened to believe that before I got to LEAA and I happen to believe that after I got to LEAA.

What changed it was functioning as administrating the law and I participated in writing and so there was not a lot of option in my level to repudiate a statute. But in my public remarks, and I have said and I say it now, we have to change our thinking if we expect LEAA to be productive. That is not a crime-reduction agency where you can look at the statistics, the crime patterns, by which we measure them, however poorly on arrest rates, and how the victimization study have no relationship to the LEAA expenditures or in more particular its primary allievement to be understood for what it is; a mechanism to improve the criminal justice machine. So that we feel that we have a better criminal justice system and that we do, in fact, to those that get caught up in its turmoil which is a very important objective.

But, it is not its primary objective to crime reduction, that is not its primary objective. It cannot do anything really.

Now, the recent crime in America is not caused by the inefficient criminal justice system. But, because of society's attitudes. My view in

this thing and it is my view, Mr. Chairman, count it for whatever it is, is that our trouble in America relates more to our social structure than to the inefficiency of the criminal justice system. No criminal justice system contemplated by you and me is one that is going to be so finely ground that it will recognize enough antisocial beings in our society to identify it and deal with them. It is not made to do that.

It is rather a source machine in its identification aspects of antisocial persons. It does not get enough of the antisocial people in the United States to really make an improvement. Those few that it does get, and very few, it does not deal with adequately anyway. Look at the causes of crime in America. They relate clearly to the failure of individuals and the community to exercise control on one another. This is in the most general sense, what is it that teaches people or controls people to conform to normal conduct by social pressure.

Backing up perhaps by the threat of law, but never primarily because of the threat of law. We behave because of our families and family structure and their extensions make us behave accordingly to whatever norm it is in our community. Whether it be a mother and father or the aunt and the uncle or the relative. I had the benefit of my unusual family with its Italian and American descent where the structure tends to be very strong and tight. Whether it be the extension of their families which are neighborly communities of interest larger than neighborhoods, in fact towns and cities as well as the extensions of family, churches, and schools.

I am not here to give you a social geological lecture, I am only here to share with you my frustrations when I found that the machinery of the criminal justice system was no replacement for the machinery of the community. In other words, Mr. Chairman, unless we address the problem and if the communities do not control crime, we really are not addressing the problem because the criminal justice system was invented as an extension of the natural community. It was invented as the backstop and net in the baseball field behind homeplate to catch those few foulballs that got past the regular player on the field. Those regular players being the family, the community, the neighborhood, the church, and the schools; but basically social institutions. As our society progresses in this almost perilous course in the supertechnology, all I can say is only that the future of the community is in doubt.

The future of the family, according to demographers, the people only in a majority of the cases have to think for new mechanisms to supplant the thin blue line that flows, of police, the thinner blue line of judges is no replacement of those community forces. We are really talking about trying to achieve mechanisms that will enforce rules of conduct that sometimes reach the level of law, but often we are not at the level of law. They are the level of custom and expectancy.

How do we do that? That is almost beyond LEAA's capacity. Therefore, when I got to LEAA, Mr. Chairman, I had enjoyed the privilege in having gotten to the phase where LEAA had really put substantial funding into the supplement of the criminal justice system. We were able to see that that did not change much. That although we had much higher caliber of police, higher educated compared to what they were before, well staffed, well served with technology, education, and sensitivity in comparison to what they were before,

they still could not address the crime problem because there were no substitutes in the community institution that basically confirm antisocial conduct.

What do we do about that? You cannot give up, LEAA exists, and it has a useful function. Therefore, my thoughts were to direct the agency priorities to new grounds. And those priorities were in the community area that I just described. I am not a genius, I do not know where to go exactly. But, I know that I have one responsibility above all and that is responsibility for leadership. We had made significant commitments before I got there, in fact city programs, which consumes a vast amount of LEAA's funds and did not leave much to the new cities initiative, that I attempted to initiate. So what I did was to look to the issue that I just described here. I could not have done that 3 or 4 years before because I had not proved to myself that funding less or funding heavily was the answer.

I enjoyed the luxury of having had that not work so I could address this other issue. On the other hand, I was forced to the conclusion there was no other place to go. I announced a major national priority of cities; initiated and involved the cities; communities and those members who were interested to come forward with proposals in the most generous sense of the word. With a P.S., you tell us what you think you need to do to strengthen, to deal with the question of crime.

I happen to be a Republican, Mr. Chairman, without being partisan for a particular person. I happen to believe that Government in Washington is not only optimistic and should not be too heavy handed in its direction of the people in this country. I do not know if that makes any difference what party I belong to, but that is why I found myself where I was. I was unable to see through the looking glass, if you come forward you will get money from LEAA. I want to see whether the old system in America works; through democracy people make their own thoughtful ideas.

Mr. CONYERS. What did you find out?

Mr. SANTARELLI. I found out that they were not very imaginative. But imaginative enough to define the programs and that was that they came forward with ideas, some of which I thought were particularly good, some of which I had in my head before. Particularly in the area of community action, like neighborhood watch projects, which I happen to think are very very good substitutes. These neighborhood watch projects are often thought to be hassles by the community, let the neighborhood handle it and call the police only when they cannot. Maybe I will convert on the spot.

The other was the witness/victim area. It was particularly in the DA office that we did nothing to innovate the good citizen to perform his duties while we attended overtly on the professional who populates the courthouse. We worried about ourselves and then our calendar cases, then we looked at our schedules. But rarely did we turn to the victim or the witness and make them the hero. I will be outrageously hypothetical for a moment; the judge should come down from the bench and greet the citizens and not citizens bowing to scrape before judges in the courtroom. In a sense, it was that kind of an attitude that I was interested in building and instilling because those are really the powers of administrator's attitudes and leadership. We do not run anything but 750 people down there and 55,000 projects which are impossible to monitor.

Now, I will talk an hour and I do not intend to, Mr. Chairman. It is those kinds of programs that address the problems of witnessess and victims that make the criminal justice system in its professional responsibilities to people in the community that I was trying to bring back. I was attempting to do this by strengthening up both ends to demand from the criminal justice professionals in a consumer-like fashion more performance to them for the law-abiding citizen to those who should be served to those who pay the bill, and the taxes, and support the community as well as to encourage those who have given up.

It is clear in America that there is much apathy about this problem. We wring our hands and wail and put locks on our doors and put moats around our castles and alter our way of life by high costs to others by not going out at night, by not taking taxis, by not having sidewalk cafes because of our fear of crime and because of our unwillingness to do anything about it as an individual citizen. If LEAA cannot encourage people to come from behind the locked doors, out of the woodwork, if you will, in a participatory way because we have seen that these strides that we have made on the professional side have not produced the results that we wanted. That is the experimental process.

I am sure LEAA is sloppy in getting from here to there by definition, but we have got to try. That is what I tried to do in LEAA. My commitment remains intense to those ideas and I traveled the countrywide, Mr. Chairman, and I hear complaints about LEAA as I heard when I was at LEAA. You must remember that the agency is an imperfect one because of its nature. You expect it to be responsible for crime reduction in America. It has no majesty to do that. You expect it to be responsible for its number of grants; it does not have the bureaucraciness to monitor those number of grants, nor do I think it should have.

I detest bureaucracy. They have their own objectives and own agendas and administrators can no longer be controlled. We see that in our agencies of this Government. In my judgment it was better that LEAA be small, lean, and somewhat inefficient than a large bureaucracy which would be more efficient and uncontrollable in its purposes. We build constituents as the chairman has already said. They tend, after a while, to own the agency that feeds them and the agencies begin to be responsible to those building of constituents. That is not good and to avoid that there is a high cost. Perhaps the high cost is a small agency, changes of leadership and the somewhat independent agency. There is a member of this Congress and this body that feels that LEAA should be nothing more than three secretaries, to lick stamps and one in charge of a checkwriting machine. Get it out there to the people and let us have a minimum of bureaucratic redtape. In a sense he was right and in a sense he was wrong. If you would ask me the question of how do we evaluate the quality of LEAA with such a small agency, I would say, we do not very well. It has to be haphazard or selective. That is what LEAA tried to do.

I understand that it continues to try to do that in the Congress and that its only interest is in better evaluation that we have to find out in my job rather than give it to the bureaucracy that owns the program. With the evaluation of each grant, which is an experiment, we

begin to see whether it would work as a component of the project. I would feel better were it done by LEAA with a large audit, a large evaluation staff of its own because they are self-serving. I too was concerned about quality and submit to the subcommittee that quality is one of the endemic problems that you will have in this program forever because of the nature of it. It is not run by professionals and it should not be run by professionals in local communities. We have too much professionalism, if anything, because professionalism becomes self-serving. Again, I am willing to be experimental.

You know when we look at the budget of a celebrity you find each year that it is for glass and chemicals and at the end of the year there are no products. And the reason that it is, is because they are experimental. Perhaps that is a bad analogy, Mr. Chairman, but you must remember that LEAA is and will continue to be an experimental program designed to look for better ways to deal with old ways and see whether they work or not and have enough time to disapprove as well as to prove. It is a continuous problem. The remedy cannot be expected to have a product. It is an experimental place, yet it should help in evaluation and, yes, I agree with the comment made before this subcommittee that it should have a greater role than it has had before. It should not be so submerged or established, it should be more responsible outside of LEAA. It should have a closer relation and it should look beyond the mere confines of criminal justice and civil justice. I agree with those kind of changes.

Other questions that have come up in this subcommittee have been with respect to short-term and long-term authorizations. I am very familiar with the Agency's concern on either side of those two issues, Mr. Chairman, I would only balance it up to the shorter term authorization. It is true that it is disquieting to LEAA. It is degrading to those who cannot make long-range plans. We should never be so reliant on a continuous source as to not be wary of the qualities of what we do. And therefore, the short-term authorization approach seems to me to balance it better.

Another question that I would like to raise with this committee is the progress that we have made in the business of deciding what kind and category of person should sit on the various boards. It is proposed advisory boards, which I think is a great idea. And one which I wanted to accomplish when I was there but never got to it. To the boards at State level and at the regional level progress was made by mandating that if a majority of local boards be made up of local elected officials and not just captivated by professionals. But, I would go further and mandate that a civil leader or two, but a civil leader be a participant in the project also because it is the community that must be heard more than the professionals. At this stage in the evaluation of the LEAA program, and remember this Mr. Chairman, the notation of evaluation I will add on those remarks its tendency to be overlined, it is not a well defined science. We do not have any magical textbooks on how you do an evaluation. Some of the best evaluations have been opinions and some of the worst have been highly technical data. The rearrest rate for crime is a terribly artificial, and unresponsive of our success in America on the issue of crime. It seems to be on a downgrade since the upgrade in the first report in my year as Administrator.

The last issue I would like to address to the subcommittee is the complexity for those guarantees that now apply. The tendency of the bureaucracy is also the same in my opinion, Mr. Chairman, and that is to make rules and regulations in ever-increasing numbers. Not because anyone is malicious but because that is the tendency of our bureaucracy and that is not a healthy tendency. Yes, you will have greater sloppiness in the program administration if you do not have layers and layers of paper. I happen to believe that this sloppiness is more tolerable than this boresome nature of this redtape business.

I do not know if I was successful in the short year and a half that I have served. And, I do not know that my successors are successful in dealing with it. Because nothing turned off the community more than Government that they cannot understand and not quickly respond to.

I will raise only one last question and that is because I was asked to do so by some important people, in my opinion. When I was at LEAA I had some particular project amendment that I wanted to accomplish and that was a demonstration project of self help in an all black community. I do not say this for democratic reasons, I am before this, Mr. Chairman, now 2 years after the idea occurred to me. In Compton, Calif., in the larger area in California, I do not think you would gain any question of facts that the quality of that community's ability to help itself is almost negligible because of its loss of revenue, because it is a community without independent revenues. We chose it because it had a demagogic leadership at the time. That leadership called me yesterday when Judge Shepard heard I was going to appear before this committee and asked me if I would please convey to the subcommittee his "outrage." I suggested to him that he make his presentation himself before this subcommittee and he said that he would undertake to do that. But, if I care anything about the Compton project I should raise it with this committee.

It is a difficult project because it requires a lot of LEAA's help as well as Compton's self-help and we promised at that time an intensive grant of planners and evaluators to determine exactly what it needed before we would make a substantial commitment. When I said we would make a substantial commitment, I never talked about dollars. I am reluctant to raise what I had in mind because no one knew then but I used the word, "substantial." The committee had an anticipation with my departure of the project. I do not know exactly why, on paper, it does not appear to be true to be thus. It does not appear to be thus from Mayor Davis who has just both briefly spoken to me to speak on their behalf I can only say I do not know any more about it. I believed it to have had hope and I think that a commitment made by one Administrator should be maintained in the mix of something of that nature. It is true that Administrators have a right to change priorities but they should be very careful when they do that in light of commitments and anticipation which is one of the primary problems that we are really addressing here this morning. It promises in LEAA to do more than it ever can do. The promise of Administrators to develop that what they do not believe is a mistake and those are the kind of questions that legislature often decides here. And, in this humble lawyer's view, having served there with members of the subcommittee, I am reluctant to criticize for the reason that I never achieved anywhere near the objectives that I hoped to have achieved.

I know how difficult and impossible it is. I told the administration and the people of LEAA when I arrived there that I would stay on for 2 years. But I did not make it, but that I did not intend to commit more than that and that was unfortunate because of the turnover of Administrators has been harmful to LEAA. The gaps that occurred over the turnover—and it is not the individual members fault, not Gregory Linden's and not Pete Veldo's, not Charlie Allen.

Therefore, one must have sympathy for the nonprogress of LEAA based on the fact that leadership has changed as much as it has and it is something that the President must keep in mind when making appointments. I told him that I would not take the job longer than 2 years, nevertheless he went forward with my appointment.

Having said all of that, I appeal to the chairman and the members of the committee to understand the difficulties with which it is that I say those things in light of my convictions that I should not have anything to do with the running of LEAA after I have gone.

I thank the subcommittee for their tolerance in that regard.

Mr. CONYERS. I think your remarks are among the most thoughtful that have been made on this subject and we are grateful for your coming here today.

I have made these following notes. LEAA is not a crime reduction agency. What then can we do about the crime reduction? What is the Federal policy toward crime? How can we strengthen our institutions?

Mr. SANTARELLI. That is a very important question, Mr. Chairman, to pursue.

Mr. CONYERS. To continue, did the evaluation on a project-by-project basis work? Is LEAA simply a fiscal relief program? Let us turn to this first and then I am going to yield to Mr. McClory. What occurs to me, sir, is that it is true, we have overpromised. That is a traditional characteristic but it is the nature of politics. There is more that we could be doing even as we are overpromising. Maybe we should get outside of the criminal justice system. The crime reduction problem may not lie with any analysis of the criminal justice system, which is after all the machinery that begins turning after the policeman has firmly grasped the neck of the potential defendant.

Mr. SANTARELLI. All right.

Mr. CONYERS. Now, what could we be doing in LEAA that affect some of the problems that you described. I have heard many people talking about the whole crime pattern being divided into the criminals and the responsible "citizens" in the county as if there are some sort of a magic difference between those of us who are noncriminals and less than 1 percent of the score of our society who commits crimes. And, of course, that whole concept guarantees that we are going about it incorrectly by attempting to separate and identify good guys and bad guys. What I keep thinking of is, if you take even far less than a billion dollars, and say, Mr. McClory, you and your fellows go on over in this suite of rooms in the corner. We are not going to bother you but we want you fellows to come up with some thoughtful way in which the Government can impact on this whole problem. How would they do?

Mr. SANTARELLI. This is too big of a question to easily bite in one chunk, Mr. Chairman. You are doing what I am doing, we are thrashing around with only—well, I will speak for myself, a dim view of the millineum. LEAA is greatly used in the experimental

process to help us see better what objectives we might obtain. Unfortunately, the LEAA emphasis is on the other side of the aisle and that is the funding of the operational projects that the grantees seek to begin. So you have to address that as much as address this research which I am paying my allegiance to, Mr. McClory, as the author of 1968. He and I often discuss the hopes and responsibilities and institutes which we also thought about at one time. It again boils down to a question of leadership in my opinion, Mr. Chairman. LEAA institute is doing a lot of things all at once. It is leadership and responsibility to look and pick amoung themselves those that hold the greater progress and make something of them. Use it and talk about those ideas that seem to me more promising and promote them. It is not enough that we just pass around the 40,000 circulars of the criminal justice review service to those few professionals that read those things. I get mine and let me tell you it takes all of the discipline I can to read the thing because it is not written in a way that is easily useful to the layman. I am not supposed to be a layman. Pick and choose from among those projects that the institute is working on and make something of them.

To answer your larger question, I really think the best answer is that that I have given you, Mr. Chairman, that is the question of trying to deal with a new element in the spectrum in what deals with crime in America and that element being people of the community. You are right, the problem with the LEAA has been signed for by the Congress and by itself for it has a new role function as a crime reduction agency to deal with the criminal justice system which is for police, courts, and recommendations.

That is not enough. When we address the LEAA, we have to address more than LEAA, the problem of vision. When the subcommittee in total is not the subcommittee in oversight of LEAA. It is the subcommittee on crime and LEAA is just a little piece of that issue. We can focus on LEAA intelligently and intensely but it is a mistake to think that is where it should begin or end. I am saying simply use those LEAA moneys and leadership to address this question of the other element of society that should deal with the criminal justice issue. And trying to make those, mill those, web them, graph them any way possible to criminal justice system and not treat it as though it were a awesome piece over here and trying to make it more perfect and more beautiful unrelated to the basic function—crime reduction. The committee then would not be left without support and we are not doing enough, in my opinion when I was there. I will speak for myself—enough then to do that job of cleaning the community out and making it take over the criminal justice system, run the criminal justice system until it is self-serving because we professionals are self-serving by definition. Ask me what I think, make me do a better job and I will tell you three more degrees, a larger salary and a car and driver. That is not what makes me do a better job in reality. Being responsive to someone who impinges upon me is important whether it is the Congress or the committee. When I was in the Congress I was too new, when I was a staff member in the Congress, to do much legislative oversight. But, I submit that there was not enough oversight of LEAA's responses to the crime issue or LEAA.

Mr. CONYERS. Well, there still is not, I yield now to Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I am glad to welcome here this morning our former chief administrator and I am glad to see that he has returned from the lecture circuit to provide us with a very eloquent statement on the subject of LEAA and what their functions have been and what it should be and what the overall responsibilities are and should be with respect to crime in America and the Administration of criminal justice, primarily. I cannot help but agree with the gentleman, and especially when we try in this oversight function to attach to LEAA's responsibility for reducing crime in America because that is, as you pointed out, Mr. Santarelli, is not and never has been either within the capabilities of the Congress with its very limited resources as far as State and local government is concerned. I should not be objective of any extension of LEAA unless we want to change our entire system and impose a nationalized criminal justice system on the States and local areas which I am sure we do not. I am glad that you made reference to the national institute because I think as we progress in these hearings we find that there is a great deal of emphasis on the rather haphazard way in which LEAA grants are made and applied and evaluated. This is a very critical subject about which we have had so much testimony. It seems to me that we must find an agency or a repository for carrying on this function. I agree with you too that just evaluating or just monitoring and then have publications, that is going to be inefficient and quite inadequate. So that I am hopeful that in the course of extending the law, which I gather you favor at least for a brief period, that we can augment the realm of the national institute to provide that kind of professional support and guidance and direction to provide information which can be most useful in our local and State agencies in determining what measures they might take, which ones might fit more closely into the responsibility and their needs.

Mr. SANTARELLI. Mr. McClory, if I may respond to that just briefly. The institute has not achieved its maximum utility. It has not been treated with sufficient importance either by the Department of Justice or by LEAA. I would recommend to the committee that after it has heard from the leadership of the Department of Justice, the Attorney General, the Department Attorney General and any other, it should hear from the director of the institute, Mr. Canlin, whom I personally regard as a lawyer and scholar. He is a professor and a former police counsellor and he is pretty good at the researching management business. I will speak for myself, preoccupied with many things not just the institute and so what you get from an administrator any time he testifies is less than you could get from the director of the institute. I agree with the legislative proposal that this position should be elevated. I recommended that in 1970 when I was still a staff member in the Department of Justice that the institute should be elevated out of its buriedness in the LEAA program and statute. Hear directly from them and then you should ask this question, and it really is two questions, I precede myself but I will do so anyway. What is its priorities? It should make use of its money to experiment everywhere but it should also have some realities because that is really what you are about and administrators are about, to make policies not just to proceed. You do not need an administrator unless

he is exercising judgment insight and priority and choosing. What are the institutes priority and LEAA's priorities? You cannot do it all at once. You have to have some things that you try to do first or paramount. I even said that I shared with Mr. McClory the frustration that we have not achieved all that we expected from it and I will take the blame for my year and a half.

Mr. McCLORY. Would you be willing to communicate to me or to our subcommittee a specific recommendation or if possible specific language which might be included in our revised extension of LEAA which could contribute to this neighborhood, this people involvement? I agree it is perhaps the single most essential ingredient to improve law enforcement or in crime reduction in our Nation. Also, your suggestion with regard to perhaps a little revised restructuring of two national institutes and perhaps some language that might more clearly identify the role that you and I feel that it could appropriately assume. That would be very useful to us in addition.

Mr. SANTARELLI. I have struggled, Mr. McClory, over the years with that problem. I would like to see the institute being part of LEAA and the Department of Justice. I do not want it to be buried or subservient—on the other hand, I do not want it to be without policy and direction. I support the language of greater control by it.

Mr. McCLORY. It should be within the Department of Justice but not under the control of LEAA, is that about right?

Mr. SANTARELLI. Something like that. It should not be just another arm of the Department of Justice. It should be an arm of LEAA but also an arm of the Department system. It should serve two masters at the same time. Because LEAA needs the institute—it must have it if an Attorney General should have the benefit of the institute also.

Mr. McCLORY. Thank you very much. I yield back to the chairman.

Mr. CONYERS. I think that we are in agreement that it would be appropriate before these hearings conclude to have Mr. Kaplan over and to see how we can tinker with the statutory part of our responsibility in terms of getting this research arm somewhere where it belongs. You know it is a sorry thing to have to put on the record but there are lawyers who will not take a grant that involves them coming to the research arm because they are just unwilling to pay the ridiculous kind of dues, the kind of compromises, the kind of editorial limitations that they have to obtain to do it.

Mr. SANTARELLI. I have heard that stated.

Mr. CONYERS. It is unnecessary, we have got people over there. It certainly is as important as other things that are going on in LEAA and I feel a strong obligation to try to correct that. I am glad that this discussion was entered into today. We hope that you will watch over our feeble efforts in the subcommittee and feel free to criticize them whenever you choose, privately of course. Thank you very much.

Mr. SANTARELLI. I would like to thank the chairman. It has been an honor to be here this morning before you.

Mr. CONYERS. Our next witness is the Director of the Center for Social Policy and Community Development, Mr. Seymour Rosenthal, from Philadelphia, Pa. He is also an associate professor at the School of Social Administration, Temple University.

We welcome you, sir, and would appreciate having your views on perceptions added to the record here. Welcome.

TESTIMONY OF SEYMOUR ROSENTHAL, DIRECTOR, CENTER FOR SOCIAL POLICY AND COMMUNITY DEVELOPMENT

Mr. ROSENTHAL. Thank you, Mr. Chairman and members of the committee. Please forgive me the fact that I have neither the luxury of staff or the luxury of time to prepare this testimony. The notes I have were written hurriedly on the way to Washington. I might not be able to read them correctly so I anticipate some stumbling.

I have been asked to come and talk about some of the work through Temple University of various neighborhoods including the Pittsburgh Housing Authority which involves cities in the reduction of crime or as referred to as building neighborhoods. In that regard, I will describe some of the work that we have been doing at the Whittburg Housing Authority and if time permits, some of the work we have been doing as a part of our own living process. Interestingly enough the work of the Whittburg Housing Authority was funded not by funds from LEAA but from the housing authority itself. And which was heavily supported and morally by the U.S. Housing Labor and Development. The purpose of that project was to engage citizens, many of whom were residents of that project in an attempt to reduce the amount of crime and to develop a sense of relatedness in that housing project community. And that includes all of the neighbors living in the various housing units in Pittsburgh. We helped to design the program to train the residents to act as community security organizers and the job was to organize in the neighborhood to develop active councils of residents in order to deal consciously with the issues of crime. To develop programs both social and crime preventing specific and financially to work closely with police and other social agencies in the neighborhood. I think in order to understand the context in this program as one probably does not understand the nature of the general sense of community within most housing authorities. They were low income community residents, they were in large part black and they were in large part a disorganized and a disgruntled group of citizens complaining largely about the amount of crime in their own neighborhood.

Crime has an immediate victim since in that if one is robbed one loses a very substantial amount of goods. It has another sense in that services to neighborhoods which are defined as high crime areas begin to disappear with an alarming rate, one that notations of high crime is determined. Therefore, bus services were reduced, there were no deliveries to many of the housing units, ultimately their services of police diminished and the members themselves were reluctant to enter into their service providing routine.

Mr. CONYERS. Well, that dimunition of services leads to the criminal behavior, itself. Are you talking about an area that is located in or near the Temple University areas?

Mr. ROSENTHAL. No, I am talking about Pittsburgh and at the moment I am from Philadelphia. The same issue however purports to the housing authority in Philadelphia which is having an enormous problem.

Let me take a moment to skip what the philosophy was, if you will, of our approach. We call it a "tough reclamation" in this definition. Assume that the "tough" of the neighborhood was neither physically

nor socially secured. But other than the majority of the people living had major influence over the behavior and the value system of the people living there. In other words, and more assuming of the project, was that the majority of people living within a neighborhood are more than law abiding and have values which are significantly similar to one another. Even to the extent where there is differences in terms of class and/or race in terms of any mix of people living in the neighborhood. The nature of a neighborhood in which one lives was a barrier to any development to a program which could bring people together around the issue of neighborhood building. There also existed another assumption in this project and that was in neighborhoods, though we can assume that there is a sense of commonality of values, there is an ignorance of concensus. People who do not know in fact that there is a sense of identity with one value system. The system of most neighborhoods is that the person who may know one or two people have the same values and there are other people in the neighborhood who are suspects. The goal of our attempt there was to try to create a mechanism whereby the people with those values who were on or in the majority had a way to express, (a) their values openly in the context of their living and (b) probably to begin to discuss ways in which they could effect the behavior of not only their own families over whom they may have had some control but over the behaviors of others in the neighborhood. That is a very short and critical kind of issue.

What right has any one to impose his value systems and insist upon certain behavior standards upon another? Particularly if there is a difference of class or style and color and I think more specifically when there is more difference in race. What white folks are going to suggest to black folks and clearly what black folks are going to suggest to white folks. How is it they should take care of the kids, the lateness to which they may play radios loudly and to the degree to which they will physically intervene into situations they see on the streets. The ignorance of consensus, the lack of knowledge about how people think and feel about issues about their neighborhood is critical.

A typical example and preventing actions from taking place, when I moved into the neighborhood in Germantown which is in Philadelphia there was a basketball hoop on a tree across from my house. That is very nice, I thought we will have little sessions and it will be a playground. We developed that program for a while and then it turned out that the kids in the neighborhood were not living up to the condition and rules of the game which was to clean up, pick up, not swear at people and interfere with the game and not push older adults around. I threatened to take it down but assumed that the people of the neighborhood would prefer that it be there because it was an outlet for their children in the neighborhood, not knowing quite what to do. One night the basketball hoop fell down, it had rotted away.

Mr. CONYERS. An act of God.

Mr. ROSENTHAL. An act of God, bless the Lord. I debated about what to do and my wife and I decided what we will do until we can make a more precise decision was to plant grass along the street between the curb and the sidewalk as a way of stalling off the idea of putting back the hoop. As we planted the grass any number of my neighbors came to us and said: "Thank you, that thing was driving us crazy. It was a terrible thing in the community and we wished you

had taken it down before." I did not explain the fact I just took credit for a correct action. What was the point, that here was a condition in the immediate area. I was slow to take action on it because of what I did not understand to be a general consensus in my community. Had we known that there had been a way of dealing with that then we would have been able to take action more quickly.

Mr. CONYERS. Well, here is an example of taking credit for an act of God. An even worse fate might befall you. Until then, please go on.

Mr. ROSENTHAL. It is a very simple idea that people living in a neighborhood have a way to control both the value system and the neighborhood. Tough is a transitory issue. At 3 o'clock in our neighborhood when the kids get home from school the tough control changes. Older adults go inside, the kids go out. As a passthrough neighborhood the older adults and the tough have changed into the evening time—obviously tough changes once again. Those who are the night people come out and those who are the in-home people go in.

The challenge to all of us in the neighborhood and to the people of Pittsburgh authority was to develop a longer lasting control of the toughs. How do we begin to do this, what are the values that exist in the neighborhood and how do we begin to exert the conditions of neighborhood control? Now that is a very sharp type of problem, does anyone have the right to tell anyone what to do? And, in our neighborhood we do. And the people who live in Pittsburgh Housing Authority, they have the right to tell whomever is playing their records to turn them off because they have to go to work. But, if they want to pop pills and shoot up they were not going to interfere with that so long as that was done in the confines of their home and so long as that behavior did not spill over into the community and interfere with the civil rights of others. So the balance was establishing the civil rights in the community as opposed to interfering with civil rights of the individual and behavior systems which are different.

The most important factor in the project and in developing tough recommendations was to create the assumption that building neighborhoods was the central strategy. Right, crime reduction was not the central strategy, building neighborhoods was the central strategy and approach to crime reduction. But the goals was both of the Pittsburgh authority and wherever you work on this project was to build a neighborhood base for them so that crime reduction could take place.

Crime does not get reduced by apprehending a certain number of criminals in the neighborhood by building in a sense in a neighborhood and creating conditions in which neighbors can feel a sense of relatedness. A few words about the kind of programs that took place in the district authority. I report them not because they are outstandingly radical in terms of their approach but because they are rather unusual kinds of programs to take place in a housing authority with a low-income population which has typically been out of contact to organizations and out of context to services. The heart of the program was, as I said, for the employment and the training of 18 residents and neighbors. They were orientated to the idea of building neighborhoods and not necessarily to reduce crime, although the element of crime reduction was as important an aspect of what we were doing. We had some problem with some residents who became overzealous in their attempt to control crime.

Mr. CONYERS. Vigilantes?

Mr. ROSENTHAL. Not vigilantes, it was more individual and misguided heroism. That was the problem. I think that the issue of vigilantes did not arise. People who live in lower income areas are much wiser than middle income. They took the heroine role. However, through the efforts of the community organizers some of these things took place in various stages and in various locations within this authority. The residency system was developed in each of the housing—and building a campaign was organized.

One of the major campaigns was to introduce people to one another. People did not really know specifically enough or were not interested enough to know who lived on the same floor and who were the faces in the neighborhood, who lived there and who did not live there.

Project Identification, again very simple. It was not a radical project but it was to develop a program which would help each resident mark their goods, radios, TV sets, whatever. The unusual element was that it was a joint project between the police and the residents. It was a significant factor that for the first time in the relationship of these residents to the police department there was an element of cooperation between the police department and residents, a significant change in that the police became a part of the total service system of the residents and authority and not necessarily the recipient of police action.

Resident security councils were developed, yet security controls were organized. It was the older adult that was the ploy of younger people who lived in terror not only in housing projects but in most neighborhoods in which young people live and desire the meager goods of these older adults.

Mr. CONYERS. Were these programs funded by the Law Enforcement Assistance Administration?

Mr. ROSENTHAL. No, sir.

Mr. CONYERS. Are they in existence today?

Mr. ROSENTHAL. Yes, sir, they are.

Mr. CONYERS. They are? I am surprised to hear that.

Mr. ROSENTHAL. They were funded initially and are continually funded by the Pittsburgh Housing Authority. What LEAA did fund for the Housing Authority was a service of armed guards who policed the projects and the projects for the elderly.

Mr. CONYERS. Does that still go on?

Mr. ROSENTHAL. Well, there has been a change in that in that the authority has opened more of employment of the community security organizations. They have found that to be minimal as an effective instrument as are the armed guards. As a matter of fact, in the housing for the elderly the armed guards have been replaced by elderly poor persons themselves. And the armed guards of armed forces now patrol the area rather than the building.

Mr. CONYERS. What was the amount of funding by the two public housing authorities for the program?

Mr. ROSENTHAL. Roughly $180,000.

Mr. CONYERS. Per annum?

Mr. ROSENTHAL. Per annum and this kept out their operation expenses and was supported again, interestingly enough, by HUD who has a major concern in the security issue and has developed some capacity.

Mr. CONYERS. Well, where, sir, do we go from here? Let us assume for the moment that the majority of this subcommittee supports the community concept that you have explained before us here today. I suppose you could say: "Well, let us just see that it is more widely implemented and adopted as part of LEAA programs and funding patterns." And let us say that it spreads. Is there any likelihood that others have listened to you or have come to see what was going on?

Mr. ROSENTHAL. Yes, interestingly enough, LEAA did send some evaluators to look at the program as one source of interest. And encouraged us to submit proposals for duplication of the project. We had an interesting kind of response from LEAA which was at this point a negative response in that nothing has happened to that. But I was interested in their reaction as we discussed this program in that there seems to be a great reluctance on the part of the folks that we spoke with to undertake the initiative but without it being under the control of the authority. There was a great concern in our discussion as to what the role of police would play in the development and implementation and program developing with citizen concern. We suggested that there should be an agency among those agencies which are connected and related to the kind of ideas that we had. We insist that we want to deal with the issue of crime, that we should really be able to build neighborhoods, and as one objective: The reduction of crime. It seems that the history of crime reduction is going to be played out in a neighborhood without being the major objective. So we received high marks from LEAA in terms of what the program was. It seems that LEAA members were kind of looking over the shoulders to determine two things. In other words—I want to share this frankly—we gave our reaction to them at the time we met. One was: What would be the role of the police? And second: What kind of support would they get from the Congress in terms of bringing citizens into closer connection with the issue of building neighborhoods; therefore, the reduction of crime in the neighborhoods? They were uncertain. It appeared to me, if it was to be their support it would be from the Congress and from the administration with regards to involving citizens more heavily in the nature of the agencies.

Mr. CONYERS. I yield now to Mr. McClory.

Mr. MCCLORY. I can speak to the mood of the Congress. Let me ask you about the people of the community—in the various communities: How do they feel about the same question?

Mr. ROSENTHAL. I think that both in terms of pragmatics and general thoughts, there is a similar response. More and more neighborhoods around the country, Philadelphia and Pennsylvania alike are becoming engaged in the issue of organizing around crime. Whether it is a healthy kind of organization, whether it is an organization that will lead to neighborhood building or neighborhood exclusion, is something I am not certain about at this time.

Mr. MCCLORY. Well, that is what we are against, I thought. We wanted to emphasize neighborhood building rather than crime fighting with just a part of neighborhood building. How would the community feel about that concept?

Mr. ROSENTHAL. Let me try to express it in terms of what the community is feeling, which I am sure is not unanimous. I hesitate to speak for America. The communities are feeling a great deal of fear, fright and anger. Those that have the capacity to look beyond

the immediate situation will think in larger terms about how we begin to resolve neighborhood problems. Those that are faced with a regular insistence, with an unrelated sense of fear from our neighbors, in their own eyes are ready to take any action, including some suggested by people in my neighborhood when they found 100 tires on automobiles slashed, to sit on their porches with shotguns and shoot away. A frightening concept since the person who suggested it was a frail woman and I am not sure that she would even manage the shotgun. But there is that kind of anger about that. I am not suggesting that there should not be anger. I am not suggesting that people ought not to be saying: "That is enough; let us do something about that." That concerns me. And may I suggest that we do something about it that ought to be of concern to the subcommittee. It would be a frightening thing to have its neighborhood organized in a paramilitary way to ward off its neighbors because in a large measure it is neighborhood against neighborhood.

Mr. CONYERS. Of course, Mr. Rosenthal, that is where leadership comes in. When citizens say, "Let's do something about it," they are never thinking about any part of their government at the local, State or National level. They are thinking about doing something about it as a direct and individual desperate last resort. Our consideration, should be what ought the Government be doing about it since we realize that is what citizens end up thinking. There is nothing like a person who has just been robbed of $40 out of his paycheck, which was itself devalued by inflation before he got it. He is in no mood for anything but retaliation at that point and understandably so. You say citizens are in a position to bring forward solutions to these problems.

Mr. ROSENTHAL. To create jobs.

Mr. CONYERS. Right.

Mr. ROSENTHAL. I doubt it. I am talking about neighborhood groups. We have tried to develop a job bank in our neighborhood and we cannot create jobs. We can try to match up a few employers with one or two teenagers. You are asking us to do a job that we cannot do. That I would assume is the job of my Government.

Mr. CONYERS. Well I am not asking you to do the job.

Mr. ROSENTHAL. No, I am trying to make the point, sir, that as we talk about what it is we can do in my neighborhood. I am compelled that we cannot do it and that needs to be done. Now I am ready to talk about things that we can do.

Mr. CONYERS. OK. Before you do that, I quite agree with you about what citizens can do to impact upon their Government to encourage that their representatives solve some problems. After all we have a long list of priorities, and crime reduction is high on the list. So, before we move away from that, I think what your citizens are doing even in their own attempts to create jobs is in itself a powerful statement that the Government has not done that. In this neighborhood in Pittsburgh, they tried to match up people seeking work with people who have work to offer. It is an ultimate statement that I think deserves some praise and commendation. And it shows we in Government have not succeeded in addressing the issue to the fullest extent.

Mr. ROSENTHAL. Indeed I would suggest that there are some things and stresses upon the lives of people living in neighborhoods that the struggle to make a living today is a rather consuming one. That problem gets priority in terms of, first being the head of a household, next family, and then third would come making conditions in the neighborhood livable. Fourth would come the larger kind of issues. I would guess that would deal with those. One tends to work in the situation where one would effect the system the most. I generally intend to believe the system that we can effect the most is our own family and as you pointed out that is also the case today.

So citizens trying to work or attempting to work in areas that they can be more effective that is not to suggest that we and others in the neighborhood are not looking at the national picture and trying to attempt change. There is an exhausting factor, there is the factor that after a certain point to have a meeting at night that goes to 11 o'clock and then get into the car and travel to Washington to testify that one gets tired after a certain point and that one would hope that the taxes paid and the efforts entered, as a citizen, would somehow be generated into some response by officials to our concern. But in terms of the second question and I generalize the first because I feel it would not serve our neighborhood well not to talk about issues of unemployment. I am willing to discuss its nature and so on. Second, I think that neighborhoods can be helped as they have been in Pittsburgh as we are doing in Philadelphia. Neighborhoods are like human beings, they get tired. We have been struggling in our neighborhood for years to create a mechanism, a vehicle, a board of directors. We have $1,300 in our treasury. That is not enough to hire a person to do some work or to sustain the effort. Why do not we try out an X number of citizens or X numbers of allocations of a certain amount of funding. I am not even clear what we could call it. Let us call it a neighborhood builders. And neighborhood builders would work in every 100 square blocks or in a geographically defined area. They could have the job description that says, build that neighborhood and deal with the agencies together so as to provide services to this neighborhood. And, let us see what happens, let us see what that initial investment in personal power in terms of a general built neighborhood.

On the one hand, last night at the meeting, it was the answer to crime in America is a redistribution of resources. All right; that is one response. On the other hand, it was those people who are creating those crimes and put them in jail for 100 years. That is in the same room and it is miraculous because I think that it represents certain kinds of attitudes. But, there is an area around which they all can agree and that is the extreme necessity of this. We are talking about crime reduction for people to question, to know each other and to have a sense of trust and to be able to count on one another for support in terms of stress or in terms of conflict.

One of the things that I have been thinking about and do not know yet but would like to experiment with and I think that we should all experiment with, is what will it take to propel a citizen into action when he or she sees an illegality being performed or a brutality. How is it we can create a condition in our neighborhood that makes it possible and perhaps necessary for people to say to someone, "Do

not do that. That is wrong, stop that, that is not right." Or, "Let me help you, you are in trouble." It seems to me that we have moved away from that whole notion and we do not know how to do that any more. And, it seems to me it would be worth an investment to begin to think about the ways of things, about what does it take to propel one human being to take a step to help another. I think those are the things that we should consider. I framed the neighborhood concept precisely but I have been thinking about that for some time and if there is a few extra dollars in government, why not experiment with those kind of notions?

Let LEAA become an advocate of the neighborhood groups. Let the continuancy be in a single charge or include the citizens and neighbors and, Mr. McClory, whether it is in the justice system or under LEAA, the institute to me is a rather good one and the major question would be what is its function, what are its policies and I might even suggest that it might be located in neither of those two areas since we are talking about neighborhoods and community development. It may more logically be located in a department whose function is to develop neighborhoods and to develop a way to help people with resources. The outcome could be the reduction of crime.

Mr. CONYERS. Tell your neighbors I said to you that you did them proud here today. I now yield to Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. Your testimony has been very interesting and illuminating. On a large part of it I would greatly agree with, in particular the parts of developing this sense of community action, this neighborhood involvement. I am confident that individual participation is really the key towards reduction of street crime, particularly.

I fear, one says very strongly, that the minimum wage law is contributing substantially to the detriment of the community. So many young people and young blacks are deprived; some funds not being economically independent, but of partial economic security, are entering into the system through the part-time, low-salaried employment that could be particularly useful in the neighborhood. Those kinds of jobs that just are not done because they cannot be compensated.

With respect to utilizing persons in a neighborhood that would preserve some training and would be allocated at least by the local government, the SEATA program you might inquire into to see if you cannot get a SEATA trained person to help you. I found in my district they have been allocated to the community action program and perhaps they could be allocated to your community area.

Mr. ROSENTHAL. That program is under the authority of the city government and requires the agreement of the mayor's office to allocate personnel that way.

Mr. MCCLORY. Well, in my area it is under the county government as a matter of fact this program is going down because they cannot find enough areas where they can utilize the trained people. So, maybe you can provide the outlet for some. I do not know if that would be applicable in my area anyway. I would just suggest in my view the way government can help most is by providing the climate or the environment of bringing about those conditions which will contribute to a greater expansion and improvement.

We talked about the inflation and yet I happen to feel that the principal cause of inflation is the projected $80 million or $1,200 million deficit which has to come out of the savings and pockets of all of us. And if we can get less government spending and more plans expanding neighborhoods, improvement over housing and all of the other things that can contribute to an improved economic life then the improved social and cultural conditions will occur also. I thank you and I am also trying to discipline myself to avoid looking for an easy scapegoat. I am afraid that the estimated quota seems to be the business community particularly big business. I am very weary that without small businesses and big businesses that our plight would be far worse than it is. I know that there are some evils that need to be corrected and we should correct them. But, I think we must be very cautious about being destructive of the system. So I would hope that through the extension of LEAA we could emphasize the importance of LEAA programs that can institute and contribute to the neighborhood community improvement. But we can encourage more people like you to inspire the neighborhoods and assume the kind of responsibility and to undertake the kind of involvement which is clearly the key to improving the conditions now so far as street crime.

Mr. ROSENTHAL. If we find ourself, as a Nation, unable to provide further jobs, as you suggest or that the solution might be elsewhere or in the utilization of existing programs such as CETA and other kinds of uses of resources. It would be helpful I think, to local communities it would be helpful to county government and city governments to have a sense of what your concerns and what your urgings might be.

Mr. MCCLORY. I think that we can use our imagination. And, if we do that there might be the possibility of resources being attached to that. I agree with you again, I hesitate to get into another discussion but it is true and I say this very briefly, we need strong leadership in the Congress. We have diffused our leadership and our authorities to such an extent that we are just not well organized to provide that kind of leadership that can establish priorities. We have asserted a great deal of authority here recently, we have taken a lot of authority from the Executive. But, I think that there is a very grave question in my mind and perhaps in others too that we are going to be able to measure up to this newly acquired authority and to really assume the prerogatives that we rightfully have. That is a great challenge today to the Congress. It may seem like an academic subject but it is a very critical problem and an extremely serious problem too. Well, I will not expand on that.

Mr. ROSENTHAL. I wish that you would, Mr. Congressman.

Mr. MCCLORY. If my party had the leadership then I could assume a bigger role but things are such that we do not. I just have to point to the other partner and say establish your leadership and develop your program and let us move forward.

Mr. CONYERS. Well, I am very happy that my colleague raised that subject matter because my solution does not include changing the party leadership. But if Mr. McClory were the ranking minorty leader there would be a lot more cooperation between the majority and minority parties as there is in this subcommittee as you can see.

Mr. Rosenthal, we gratefully thank you for coming here today and I would be encouraged if you would refer any research projects evalua-

tions or future material on this whole idea of neighborhoods and communities and city involvement. Your testimony was appreciated by the subcommittee and we are grateful for your coming.

Mr. ROSENTHAL. Thank you very much.

Mr. CONYERS. We now welcome Mr. Nicoletti. He is a former organizer for Common Cause and he has taught both in the public and private schools in Philadelphia. He is director of a program entitled "Americans United Against Crime." We appreciate your prepared statement, sir. It will be incorporated into the record at this point.

[The prepared statement of Mr. Nicoletti follows:]

STATEMENT BY ART NICOLETTI

Mr. Chairman, members of the committee, I would like to preface my remarks by extending a very sincere thanks to this body for allowing us this opportunity to come before you today and share with you the experiences that we as a citizens organization have had to live through while attempting to obtain funds from the Law Enforcement Assistance Administration.

This statement and attachments have been prepared by Americans United Against Crime (AUAC) to provide the United States Congress with a detailed case study on the difficulties and resistance facing citizens who endeavor to fight crime and the factors contributing to it in the City of Philadelphia, Pennsylvania.

In order to better understand that nature of the difficulties and resistance referred to, I believe that a brief background on the history of Americans United Against Crime may prove to be helpful. As founder of Americans United Against Crime I also believe that it may be equally important to incorporate within my remarks a brief summary of my own background.

BACKGROUND

My personal background ranges from studying for the priesthood to serving as an in-house counsellor for the Pennsylvania School for the Deaf, teaching in Philadelphia, Atlantic City, and Toledo, Ohio. I have also been employed as an Assistant Director of Admissions for Columbia College in Columbia, Missouri, and as a State organizer for Common Cause.

With the exception of the time spent studying for the priesthood, I have been actively involved in community efforts to fight crime in Philadelphia. Like many other citizens living in Philadelphia, I have always found it incredibly difficult to comprehend how the City could spend hundreds of millions of dollars of city wage taxes each year to fight crime, not to mention the millions that come into the city from the state and federal governments, and after all is said and done, and spent, there are still 70% to 80% of all crimes that are committed in the City that go without an arrest.

In the summer of 1973, I met with citizens from across the City of Philadelphia, and concluded that there was an overwhelming desire and demand for the formation of a citizen-based organization, divorced from any political ties, that would begin looking into crime and the factors contributing to it from a standpoint of independence and not one of political compromise.

To begin formalizing this organization a proposal was drawn up and formally submitted for LEAA funding to the Philadelphia Regional Council of the Pennsylvania Governor's Justice Commission. The suggestion to submit the proposal for LEAA was actually given to me by the then Community Relations Director of the Philadelphia Police Department. In retrospect, I have come to believe that this suggestion was given because the person in question simply did not understand what we really intended to do with the grant.

The proposal was submitted in May, 1973, and subsequently awarded on September 10, 1973. Since the proposal had the blessings of the Police Department, it passed through three different committees without a single problem. As time went on, we came to understand how essential "that kind of blessing" was for refunding purposes.

September 10, 1973 thru August 4, 1975

During the period of time from September 10, 1973 thru August 4, 1975 the resistance that AUAC encountered could be traced back to a variety of sources such as political, bureaucratic, financial, business, media, and community.

AUAC has had political opposition to its endeavors from its inception. Its presence was obvious from the very first day that I walked into the offices of the Philadelphia Regional Council in May 1973. However, its cancerous effects became self-evident for AUAC once the primary election day machinery began to be assembled for the mayoral election in Philadelphia. The interesting thing to all of us at AUAC has always been that whenever opposition came our way, it always led directly back to persons holding positions within society that should have been the last persons to present opposition.

The more intent that AUAC became on dealing with the root causes of crime and the factors contributing to it, regardless of what or who those factors might be, the more fierce the political pressure became.

When AUAC began putting together a design to develop a Court Watch project for citizens to begin observing the courts in Philadelphia, the political pressure took the form of a representative from a prominent citizen crime prevention organization, funded by LEAA and big business in Philadelphia, calling me into his office and telling me that "a fellow like you could get all the money he wanted for himself and AUAC if the Court Watch project were handled properly." When I inquired as to what the word "properly" meant, I was told that any report issued relevant to the project should not list any specific judge's name. When I answered that there was no way that this would be done, I was told that if I didn't learn how to play ball, AUAC would not get a dime in this city.

It should be noted here that the person in question sits on one of the committees that votes on applicants for Law Enforcement Assistance Administration funds in Philadelphia.

When AUAC attempted to compile a report entitled *Narcotics in Philadelphia, 1974*, the political opposition took on the form of two professors assigned to the project burning parts of the report, and returning other parts back to City Hall. No report was ever issued, and the portion of the report that was burnt dealt with the coded sheets that would have identified specific judges with specific cases.

The entire matter was turned over to the Pennsylvania Attorney General. Even though the professor who burnt the coded sheets admitted doing so to the investigators sent in by the Attorney General's office, the investigators ruled that no criminal act had been committed. An interesting note here is the fact that the representative from the prominent citizen crime prevention organization in Philadelphia previously mentioned and the professor who burnt the coded sheets went to graduate school together, and also sit on the same citizen crime prevention organization's board of directors.

When AUAC refused to involve its organization in the Philadelphia mayoral election, the political resistance reduced itself to the following:

—I was placed under police surveillance.

—My apartment was burglarized and papers taken from my personal file cabinet.

—The Managing Director of the City of Philadelphia, with thirty-five indictments against him, ordered a full scale investigation on AUAC and myself.

—AUAC was subjected to a continuing series of audits by local and state investigators who spent weeks reviewing the financial records of a previous $32,000 grant that AUAC had operated.

—A series of newspaper articles appeared critical of AUAC.

—I was personally audited by the Internal Revenue Service.

A public report was issued by the managing director's office relevant to the investigation, audits, etc., which stated that "in only a few instances of persons contacted was there any question of the executive director's responsibility and sincerity. He was considered by many to be determined, articulate, sincere and honest."

There are times when I sit and think about the things that I just read to you and become extremely alarmed over the methods by which persons working for the city and state criminal justice system callously ignored, and in some cases even covered up, formal complaints levied by AUAC.

I suppose the clearest illustration of this was when the U.S. Postal Service released the results of an investigation that substantiated the fact that someone had been robbing AUAC's mail and not one person sitting on the various LEAA funding committees in Philadelphia or Pennsylvania raised a single question concerning the report (See attached letter dated June 19, 1974—United States Postal Service).

AUAC maintains that the ultimate description of the opposition and resistance that it experienced can best be understood by a careful review of what really goes on at a LEAA funding meeting in Philadelphia or Harrisburg.

When AUAC appeared before the Community Crime Prevention Committee of the Pennsylvania Governor's Justice Commission, for its first refunding process in May 1974, two of the seventeen members were present. AUAC received a negative recommendation from the committee and the Philadelphia Regional Council in July 1974 also recommended the same. However, in September 1974, the then Attorney General of the State of Pennsylvania, Mr. Israel Pachel, overruled the negative recommendations and awarded AUAC another grant.

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However, as a result of a law passed by the Philadelphia City Council in 1974, the managing director of the City of Philadelphia had to sign all LEAA contracts coming into the city for community crime prevention purposes, and without his signature there would be no contract. On August 4, 1975, one month before AUAC was to appear before the Governor's Justice Commission in Harrisburg, the managing director withdrew his signature from the AUAC application, which, in essence, killed the grant.

It should be noted here that at no time was AUAC ever given a proper atmosphere or even a chance to discuss its activities, findings, or recommendations (see attached material—Background on AUAC Activities).

Shortly after this, AUAC was forced to close up its office and dismiss its staff. From August 1975, until now, AUAC has been functioning as a totally volunteer organization.

Cognizant of the tremendous obstacles facing an organization such as AUAC in a city such as present day Philadelphia, AUAC submitted a proposal to LEAA Washington requesting federal discretionary monies. However, before doing this, I personally met with representatives of LEAA in Washington and in the Philadelphia Federal Regional office for the purpose of discussing our past experiences and problems with the current LEAA process for funding, the political machinery controlling those funds, and also for the purpose of discussing with these people if there were really any chance at all that AUAC could get funded by LEAA.

In all instances the LEAA people listened attentively, and acknowledged that they were aware of the political control over the LEAA funds passing through Philadelphia. In all instances AUAC was assured of total cooperation and support.

It was concluded, therefore, that we would sumbit the proposal to LEAA Washington, under category "C", Citizen Initiative Programs, I was then advised that our chances to get funded were better if we applied to the federal regional office than if we applied directly to Washington. We followed the advice. Sometime around early December, 1975, I was advised to re-apply under category "E" Correction since category "C" was practically gone. Again the advice was taken and we applied accordingly. This was sometime in January, 1976.

It is important to understand here that although AUAC was being told that a state or local unit of government should endorse the proposal, it was always our understanding that if we could not find someone to endorse the proposal then Washington LEAA would have the final say on the grant.

On January 6, 1976 the process began once more, and this time it was a hundred times worse than before. At the Community Crime Prevention Committee a person who was not even a member of the Committee was allowed to make a negative recommendation and vote on it as well. We had to wait for over three hours at the Philadelphia Regional Council meeting only to see the chairman stand up, announce our organization and then immediately acknowledge a negative recommendation and second by an individual with 88 indictments against him. I notified the new Pennsylvania Attorney General of the events surrounding the past two meetings (see attached material—beginning with letter to Attorney General Kane, dated February 18, 1976). We then attended the March 1, 1976 meeting of the Governor's Justice Commission, were allowed to speak, received

no questions, there was no debate, and then a negative motion was made by an individual with twelve indictments against him, and the motion carried.

It was not until March 1, 1976 that I was told for the first time that the law requires and demands that grants coming under category "E" must have a local or state unit of government's endorsement. Needless to say, I am sure that the members of this committee can well imagine what it must have felt like to be told such a thing, particularly after spending the last seven months with the thought in mind that this could not happen again.

If I may, Mr. Chairman, I would like to conclude my remarks by placing before you some observations that you and your committee may find useful and may want to possibly consider for future legislation:

(*a*) Serious action should be taken to return LEAA back to its original purpose of fighting crime, and away from being a massive national resource for partisan political favors. This, of course, would require a much tighter monitoring system at the local political level.

(*b*) LEAA Washington should be allowed to fund any agency, or community group directly regardless of category.

(*c*) LEAA Washington should be held more accountable and responsible for the monies that it issues across the country.

(*d*) A joint committee of both Houses should be established to oversee the activities, decisions, and successes of LEAA.

TESTIMONY OF ART NICOLETTI, EXECUTIVE DIRECTOR, AMERICANS UNITED AGAINST CRIME

Mr. NICOLETTI. Thank you sir. Mr. Chairman and members of the subcommittee, I would like to preface my remarks by extending a very sincere thanks to this body for allowing us this opportunity to come before you today and share with you the experiences that we as a citizens' organization have had to live through while attempting to obtain funds from the Law Enforcement Assistance Administration.

I have listened with great interest and concern to Mr. Santarelli's remarks and Mr. Rosenthal's remarks. Prepared in this statement, and mentioned in the statement, are a number of things that speak to a completely different angle with regard to citizen involvement. I was listening very carefully to hear, which I did not, is the basic assumption that came through, whether Mr. Santarelli's remarks would reflect that LEAA needed to establish a structure wherein citizens could get more actively involved in the criminal justice system in the prevention of crime, et cetera. But, there was no mention about the local authorities and the State authorities point of view in terms of would they actually want the citizens involved. This is a very serious concern on our part because what you have before you in this statement is a case study of over 3 years of citizens attempting to get involved within the criminal justice system and to examine it from a standpoint. As to the costs to fight crime in the city of Philadelphia. What are the manpower shortages and how does that effect the actual crime going on? What are the management problems that are involved?

In 1973, I met with citizens from across the city of Philadelphia, and concluded that there was an overwhelming desire and demand for the formation of a citizen-based organization, divorced from any political ties, that would begin looking into crime and the factors contributing to it from a standpoint of independence and not one of political compromise. I am convinced that the founder of Common Cause has made a statement that is so true, and so appropriate for this particular meeting, that I would like to share it, it is his belief and certainly is mine, that everyone (in this country) is organized except the people. The unions, Congress, the criminal justice system,

everyone but us. You look at the criminal, they are well organized. But, when it comes time for citizens to get involved and begin to find a role within the criminal justice system to fight crime, our experience has shown that there has been tremendous opposition. I listened with a great concern when I heard Mr. Santarelli's opinion that the citizens of America are not imaginative, and in fact, he called them apathetic. I do not believe that they are apathetic. I think that they are reluctant, they are reluctant and are ignorant. They are simply unknowledgeable as to what they can do and what they cannot do. It has been our experience in Philadelphia that when we attempted to raise the level of the awareness on the part of the average citizen as to what they really could do and how the citizens could begin functioning better than they were, we were met with great opposition.

Mr. CONYERS. From whom?

Mr. NICOLETTI. Just about everybody. Yes sir, we got it from persons that we should never have gotten it from. By way of example, Mr. Santarelli, and I refer back to him because obviously his background in this whole area is much heavier than mine. The decision to put elected officials on the boards that decide on who gets grants. It has been our experience, and after communicating with persons in other cities who have also applied to LEAA, that there are some very serious problems in that. The experiences that we had proved that there are no punches held back when it comes time for funding. I was brought into personal meetings with people who sat on the LEAA board committees, and in essence, this report states what was told to me, "a fellow like you could get all the money he wanted for himself and AUAC if the court watch project was handled properly." When I inquired as to what the word "properly" meant, I was told that any report issued relevant to the project should not list any specific judge's name. When I answered that there was no way that this would be done, I was told that if I did not learn how to play ball, AUAC would not get a dime in this city.

It should be noted here that the person in question sits on one of the committees that votes on applicants for Law Enforcement Assistance Administration funds in Philadelphia.

When AUAC attempted to compile a report entitled "Narcotics in Philadelphia in 1974," the political opposition took on the form of two professors assigned to the project burning parts of the report, and returning other parts back to city hall. No report was ever issued, and the portion of the report that was burned dealt with the coded sheets that would have identified specific judges with specific cases.

The entire matter was turned over to the Pennsylvania attorney general. Even though the professor who burned the coded sheets admitted doing so to the investigators sent in by the attorney general's office, the investigators ruled that no criminal act has been committed. An interesting note here is the fact that the representative from the prominent citizens crime prevention organization in Philadelphia previously mentioned, and the professor who burned the coded sheets, went to graduate school together, and also sit on the same citizen crime prevention organization's board of directors.

When AUAC refused to involve its organization in the Philadelphia mayoralty election, the political resistance reduced itself to the follow-

ing. I was placed under police surveillance, my apartment was burglarized and papers taken from my personal file cabinet; the managing director of the city of Philadelphia, with 35 indictments against him, ordered a full scale investigation on AUAC and myself; AUAC was subjected to a continuing series of audits by local and State investigators who spent weeks reviewing the financial records of a previous $32,000 grant that AUAC had operated; a series of newspaper articles appeared critical of AUAC; and I was personally audited by the Internal Revenue Service.

A public report was issued by the managing director's office relevant to the investigation, audits, et cetera, which stated that "in only a few instances of persons contacted was there any question of the executive director's responsibility and sincerity. He was considered by many to be determined, articulate, sincere, and honest."

There are times when I sit and think about the things that I just read to you and become extremely alarmed over the methods by which persons working for the city and State criminal justice system callously ignored, and in some cases even covered up, formal complaints levied by AUAC.

I suppose the clearest illustration of this was when the U.S. Postal Service released the results of an investigation that substantiated the fact that someone had been robbing AUAC's mail and not one person sitting on the various LEAA funding committees in Philadelphia or Pennsylvania raised a single question concerning the report.

AUAC maintains that the ultimate description of the opposition and resistance that it experienced can best be understood by a careful review of what really goes on at a LEAA funding meeting in Philadelphia or Harrisburg.

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It was not until March 1, 1976, that I was told for the first time that the law requires and demands that grants coming under category E must have a local or State unit of government's endorsement. Needless to say, I am sure that the members of this committee can well imagine what it must have felt like to be told such a thing, particularly after spending the last 7 months with the thought in mind that this could not happen again.

If I may, Mr. Chairman, I would like to conclude my remarks by placing before you some observations that you and your committee may find useful and may want to possibly consider for future legislation.

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LEAA Washington should be held more accountable and responsible for the monies that it issues across the country.

A joint committee of both Houses should be established to oversee the activities, decisions, and successes of LEAA.

Mr. CONYERS. Thank you very much. I think that your testimony is helpful. It is important that we get people who have attempted to participate in the system and been rebuffed.

Mr. NICOLETTI. We had 2 years of funding which is an interesting terminology. We had funding for 20 months with two different programs, and we had to exist through personal loans once they realized what they were funding, 1 month out of 20 months. So that I do not know if you would call that funding. We now have applied for funds through LEAA and, quite frankly, under the current structure, I do not know what possibilities there are of getting it.

Mr. CONYERS. Well, I understand.

I thank you, Mr. Nicoletti, for the testimony, and it poses a problem which I am sure exists in many, many other areas. But, I suppose it is a problem which is inherent in the manner in which the law enforcement assistance is set up. It is a program where the principal reliance is placed upon the State funding agency and the local control and you have run into a different problem, the new community.

I am not certain any revision of the law is going to cure the situation. I read your statement, and I am conscious of the thrust of your statement and of the charges that you have made and the result of what has occurred. I do not know what the answer is.

Mr. NICOLETTI. You sound as frustrated as I do.

Mr. CONYERS. It is a definite problem. We want to be careful not to try to cure all of the various local problems through some kind of congressional legislation. That is the dilemma in which we find ourselves. I do not want to be discourteous but, sometimes we have certain

broader, legislative duties, as we do here in our work, and then sometimes we have a success which is infrequent and we are very grateful for that.

Mr. NICOLETTI. May I make a suggestion, sir?

Mr. CONYERS. Sure.

Mr. NICOLETTI. It would seem to me, and I agree with you that the city and State should have final say as to which programs get funded. I think that is fine. I think that is unfortunate that in some cities across the country the political structures are such that they cannot separate what is best for the city as opposed to what might be best for them. That I think you are correct and I agree 100 percent in terms of it being inherent in the whole structure.

However, I think that there might be one savings feature in this whole mechanism if LEAA Washington would get involved within the disciplinary areas. Now, it is my understanding that according to law there are certain categories that forbid Washington LEAA, by law, to fund directly to community organizations. One of the suggestions of this statement is to eliminate those restrictions, regardless of category, so that an organization can be funded according to its own merits while viewed and examined here in Washington.

Mr. MCCLORY. You do not know how much of a government merry-go-round there is in Illinois.

Mr. NICOLETTI. You ought to come to Philadelphla. I invite you to Philadelphia to see a merry-go-round from our standpoint.

Mr. CONYERS. I think there is a need for all of the things we talked about today. But, there are going to have to be an array of options for citizens.

I would not like to be in the position to say here is an entire category, of funding.

Thank you very much.

Please feel free to continue to communicate with us and with other agencies that have experienced the same frustrations that you have.

The subcommittee is adjourned.

[Whereupon, at 12:30 p.m., the subcommittee adjourned, subject to the call of the Chair.]

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

THURSDAY, APRIL 1, 1976

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON CRIME OF THE
COMMITTEE ON THE JUDICIARY,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:02 a.m., in room 2237, Rayburn House Office Building, the Honorable John Conyers, Jr. [chairman of the subcommittee] presiding.

Present: Representatives Conyers, Hughes, and McClory.

Also present: Leslie Freed, counsel, and Constantine J. Gekas, associate counsel.

Mr. CONYERS. The subcommittee will come to order. As we continue the examination of the Law Enforcement Assistance Administration legislation, we are very pleased to have today the Director of the National Institute of Law Enforcement and Criminal Justice, Mr. Gerald M. Caplan.

Will you come forward, sir, and join us. We are pleased to have you here. We note that in addition to being presently the director of the research arm of the LEAA, that you have been the General Counsel of the Metropolitan Police Department and worked in the Office of the General Counsel of LEAA, and that you were the chief of the planning and research branch of the Legal Services Department of OEO. You have been professor of law at Arizona State University, served in the U.S. Attorney's office, and at this point we will enter your prepared statement for which we are grateful into the record, and that will free you to begin your discussion.

[The prepared statement of Gerald M. Caplan follows:]

STATEMENT OF GERALD M. CAPLAN, DIRECTOR, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

I appreciate the opportunity to testify regarding the work of the National Institute of Law Enforcement and Criminal Justice, the research arm of the Law Enforcement Assistance Administration.

The National Institute was created in 1968 amid great expectations about what could be done to reduce crime. Time has tempered that vision. Today we realize that there simply is no quick solution to the problem. While this sober reassessment may be disappointing in terms of our hopes of a few years ago, it gives us the opportunity to confront the crime problem realistically.

Looking at the research experience over the past seven years, there are three areas where progress has been made and more can be accomplished. Each targets a problem that, in my opinion, government can do something about, probably something quite substantial. The first is improving fairness in the administration of justice, the second, achieving efficiency and economies in its operation, and the third, more difficult to state succinctly, is reducing, not crime, but the costs of crime to individual victims.

EFFICIENCY

We have learned much in the last decade about improving the efficiency of the institutions of criminal justice—police, prosecution, courts, and corrections. In important areas, we can achieve substantial economies without lowering performance—indeed, at times, even improving it.

An Institute study, for example, showed that as much as $50 million could be saved annually by reducing the size of jury pools. At the same time, juror satisfaction would be much improved. Even with a 20 or 25 percent reduction in the size of jury pools, most courts would have on hand enough jurors for trials without calling up thousands of citizens who only serve by waiting about.

FAIRNESS

Research findings clearly point the way toward achieving a level of "fairness" in the administration of justice thought unattainable only a decade ago. By fairness, I mean treating similarly-situated individuals in similar ways. We do not know whether for a given individual a one-year sentence is better than a three-year sentence or than probation, but we do know that it is wrong to take two individuals convicted of the same offense, with similar backgrounds and criminal histories, and give one probation and the other five years. The extreme disparities in sentencing, now so common and corrupting of our ideas of justice, are not an inevitable by-product of our system of individualized justice.

Within a few years, it should be possible for judges to have at their fingertips the information they need to bring them closer to dispensing equal justice. For example, judicial decisions could be made more fair if the judge could compare the range of sentences he and his associate judges have given similar offenders. A synopsis of the prior record, the recentness and density of prior convictions, plus an analytical description of the gravity of the current offense, could be fed into a computer. A preformated terminal screen could instantly flash back to the judge a statistical summary of prior sentencing decisions of a similar kind. Eventually, such information could be translated into uniform guidelines for the judiciary, producing greater consistency and certainty in sentencing practices.

The Institute currently is testing written guidelines with the cooperation of the judiciary in four jurisdictions. Results to date indicate that the guidelines are useful in the majority of the cases. For exceptional cases outside the scope of the guidelines, judges are encouraged to meet with their colleagues to receive several opinions before handing down a sentence.

Similarly, the question of who gets paroled need not be characterized by wildly inconsistent dispositions. More uniform decisions are being made by the Federal Board of Parole as a result of guidelines developed under an Institute grant. Based on "experience tables"—statistical profiles derived from an analysis of 3,000 offenders whose paroles had been reviewed by the U.S. Board of Parole, the guidelines have been used in Federal parole decisions since mid-1974. Their proven usefulness at the Federal level has already evoked considerable interest in the states. With Institute support, similar projects are underway in six states, with more than 20 states participating as observers.

What we have learned in sentencing and parole has implications for police and prosecutors. Research now under way suggests ways to build greater consistency into the system at the outset, in the decision to arrest and to charge. Automated data systems, already in use in many prosecutor's offices, permit more rational charging and plea negotiations, reducing the likelihood of greater inequities at the time of sentencing.

REDUCING THE COSTS OF CRIME

We have learned much about reducing the costs of crime to individuals. For those individuals who are willing to take some extra measures to safeguard their persons and property, we can now recommend a host of things to do that will substantially reduce their chances to becoming victims.

For example, an Institute-sponsored evaluation of property-marking projects, popularly known as "Operation Ident," shows this technique has significantly reduced burglary among participants—as much as 33 percent in Seattle and about 25 percent in St. Louis. Development of a reliable inexpensive burglar alarm for the home—one that would put this protection within the financial reach of large segments of the public who cannot now afford it—is well under way. Standards for burglar-deterrent doors now exist, and similar guidelines for windows are being developed. If adopted by the construction industry or enacted into the building codes of the several states, illegal entry would be more difficult. Research has

shown that if entry can be frustrated for as short a time as four minutes, burglars will give up and move on to a more vulnerable target.

"Target hardening," as this complex of items is labeled, always results in at least some displacement of crime—exactly how much is hard to measure. However, it does give individuals with initiative the knowledge of how they can divert crime away from themselves and their property even if, as the Operation Ident evaluation reveals, the overall crime rate for burglary in the community may not decrease.

While individuals can do much to reduce the costs of crime for themselves, the communities they live in can do even more. We have learned that the way houses, apartment buildings, and neighborhoods are designed can increase or reduce the crime rate. This approach, "Crime Prevention Through Environmental Design," was initially tested by the Institute with striking results in public housing in New York City. Such things as the height of apartment buildings, the number of apartments sharing a common hallway, and visibility in lobbies and on walkways were found to have a strong bearing on the proprietary attitude the tenants adopted toward their buildings and grounds. In what was found to be the most favorable environment, littering and defaced hallways became more a thing of the past and cries for help were more likely to be answered. The number of robberies, burglaries, assaults, and incidents of vandalism dropped sharply.

This approach is now being tested in other areas—business districts, schools, and private residential areas—and if the results achieved in public housing hold true in these settings, environmental design will be our most promising new research arena.

For those who do fall victim to crime, we know how to reduce the extent of their injury. Compared to our knowledge of crime prevention, our knowledge of providing better care for victims, in such matters as restitution, recovering stolen property, providing prompt medical treatment, heightened sensitivity to the feelings of the victim and the families of victims, is great.

We also know how to make victim cooperation with the police and prosecutor less of a hardship than it is now. We can fashion programs to minimize the number of appearances he must make in court, set court dates that fit his schedule and reduce waiting time, and perhaps even allow him to have a say in the plea bargaining process. Court calendaring practices have ignored the inconvenience to witnesses and victims. As the courts become more aware of technology, resistance is likely to be overcome.

REDUCING CRIME

What can be said about our crime reduction capacity? Not much that is encouraging. We have learned little about reducing the incidence of crime, and have no reason to believe that significant reductions will be secured in the near future.

The fact that little has been discovered, despite much effort, about either the "causes" of crime or how to reduce it is nevertheless significant. Since so little has been found out that will "work," it follows that people—officials, political leaders, editorialists, contributors to public opinion, the "man in the street"—who insist that "something must be done" have no program to offer. Their frustration is surely understandable; we share it, perhaps the more so because we have been trying to respond to it. But our research shows so far that there is nothing to the popular idea that there are measures waiting to be adopted with the criminal justice system for some mysterious reason refuses to implement.

Undoubtedly, many existing programs work to cut crime. The availability of Federal funding has stimulated efforts such as team policing, crisis intervention training, alternatives to incarceration, and programs to reduce court delay. These are important, although it is difficult to measure their impact—which may be significant but not of such dimensions as to register in the Uniform Crime Reports or the LEAA victimization studies. The methodological difficulties, however, are only a small part of the problem. The reason we don't do better in curing crime is that we don't know how. Why crime goes up, or, equally important, why it goes down, as it did around the country in 1972, is poorly understood.

One way to increase our understanding is through comprehensive, systematic evaluation. The Institute from its inception has devoted substantial resources to evaluation. These efforts were increased in 1973 in response to the new Congressional mandate directing the Institute, where possible, to evaluate LEAA-funded projects. Since then, the Institute has developed a comprehensive evaluation program with strategies for providing relatively quick answers about existing approaches to criminal justice as well as long-term analysis and research in evaluation methods.

Recent evaluative research findings are raising important questions about the effectiveness of certain traditional law enforcement practices, such as routine patrol and detective work. Patrol resources, for example, are often allocated to ensure the fastest possible response time by police. Institute research now under way in Kansas City suggests that response time may make little or no difference in the outcome of many crimes. Tentatively, our findings show that the greatest delay occurs between the time a crime occurs and the report is made to police. Except for crimes in progress or in the case of personal injury, it may be possible to defer many calls for service without impairing effectiveness.

Similarly, research on the criminal investigation process shows that the capacity of even the best detectives to solve many crimes is limited. Most serious crimes are solved through information obtained from the victim or witness. If this information is not given to the responding police officer, a detective is not likely to turn it up on his own. These findings strongly suggest that the work of the detective need not be seen as an art form unamenable to advanced management techniques.

On the positive side, Institute research has shown that police trained in conflict management techniques can deal more effectively with family disputes, one of the most hazardous police assignments. Family crisis intervention training helps the police defuse these potentially violent situations. During a New York City experiment, the number of homicides and injuries decreased in homes visited by trained officers. A number of police departments have adopted crisis intervention training. To give national impetus to the trend, the Institute has conducted workshops throughout the country and is now supporting crisis intervention projects in six demonstration cities.

Encouraging results are also emerging from an on-going evaluation of the closing of most large juvenile institutions in Massachusetts. The community-based homes that replaced them appear to be less expensive and more effective in reducing repeat offenses among the youngsters.

IN THE FUTURE

What does all this suggest for the future? The answer may disappoint you. It is: "More of the same." It means both more advances and more frustrations.

It is likely that improvements over the next few years will continue to be made in small increments—by an illuminating piece of research, by the painstaking testing and evaluation of the new concept, and by extensive funding to apply promising approaches nationwide. Such progress is likely to be slow and uneven. Realistically, we should think in time spans of at least several years rather than crash programs of six months or a year.

The fact that we have progressed this far toward a more efficient and a fairer system of justice is an important achievement; it should be prized. It has not come about cheaply or easily. If the continuity of Federal funding is assured for a reasonable period of time, we should be able to maintain our momentum and gain even more significant improvements in the next decade.

I believe the amendments to the Crime Control Act of 1973 proposed by the Administration will give us the continuity essential for progress and will strengthen the existing organization of the Federal crime control effort. I hope the Committee will act favorably on the Administration's proposal.

TESTIMONY OF GERALD M. CAPLAN, DIRECTOR, NATIONAL INSTITUTE OF LAW ENFORCEMENT AND CRIMINAL JUSTICE, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Mr. CONYERS. I apologize that the rest of the subcommittee members are not present. I am advised that a number of them will be here shortly.

Mr. CAPLAN. Thank you very much, Mr. Chairman, for giving me the opportunity to testify regarding the work of the National Institute, and for your generous remarks concerning me personally.

As I understand, Mr. Chairman, it is the committee's preference that I highlight my statement to permit an opportunity for questions and discussion following it.

Mr. CONYERS. [Nods affirmatively.]

Mr. CAPLAN. The National Institute was created in 1968 amid great expectations about what could be done to reduce the high level of crime and violence in the Nation.

Time has tempered that vision, and today we realize that there are no quick solutions to the crime problem. This sober reassessment has been disappointing in terms of our hopes of 8 years ago.

At the same time, it is emancipating and frees us to look at crime more realistically than we have in the past.

In response to your invitation, I have in my own mind reviewed the major research sponsored by the Institute during the past 8 years and tried to summarize it into some general categories that reflect what can be said about what has been achieved.

There are three things, which seem to me to be quite substantial, that Government has done and can do with respect to criminal justice.

The first is achieving efficiencies and economies in the operations of the criminal justice system.

The second is improving fairness in the administration of justice.

And the third is somewhat more difficult to state precisely. It is reducing the opportunities for crime and reducing the costs of crime to individual victims.

With regard to efficiency, I think we have learned much about improving the institutions of criminal justice—police, prosecution, courts, and corrections. In some important areas, we have been able to achieve economies without lowering performance; indeed, in some cases, improving it. One example is an Institute-funded project that studied jury system operations. In looking at many jurisdictions, the researchers found that courts routinely call far more jurors than are needed. Such practices are not only costly, but they produce disenchantment on the part of many jurors who must sit about idly, waiting to serve. The study recommended that most jury pools could be cut by 20 to 25 percent and still provide adequate numbers of jurors for trials. If implemented nationwide, reducing the size of jury pools and other improvements in jury management could save up to $50 million annually. The study's recommendations are being implemented in more than 20 courts with good results.

With regard to fairness, I think research findings clearly point the way toward achieving a level of fairness in the system that was thought unattainable only a decade ago. By fairness I mean treating similarly situated individuals in similar ways.

We still do not know whether for a given person, a 1-year sentence is better than a 3-year sentence or than probation, but we do know that it is wrong to take two individuals with similar backgrounds and criminal histories, and give one probation and the other 5 years.

These extreme disparities in sentencing, which are now so common, and, I believe, corrupting of our ideals of justice, are not an inevitable byproduct of a system of individualized justice. Several important research efforts of the Institute are making some headway in this area.

The Institute currently is testing sentencing guidelines with the cooperation of the judiciary in four jurisdictions. Results to date indicate that the guidelines are useful in the majority of the cases. For exceptional cases outside the scope of the guidelines, judges are encouraged to meet with their colleagues to receive several opinions before handing down a sentence.

Similarly, the question of who gets paroled need not be characterized by inconsistent dispositions. More uniform decisions are being made by the Federal Board of Parole as a result of guidelines developed under an Institute grant. The guidelines have been used in Federal parole decisions since mid-1974. Their proven usefulness at the Federal level has already evoked considerable interest in the States. With Institute support, similar projects are underway in six States, with more than 20 States participating as observers.

What we have learned about achieving more equitable decision-making in sentencing and parole has implications for police and prosecutors. There are other Institute projects, for example, that should help to make the decision to arrest fairer and more consistent—not one thing in one part of the city and another in another part. Similarly, the decision to prosecute can be structured more rationally. The heart of our system of justice is the prosecutor's ability to decide whether to go forward or not on a case, a decision which, by and large, has been unreviewable.

The third area that I would like to highlight I have entitled "Reducing the Costs of Crime." For those individuals who are willing to take some extra measures to safeguard their persons and property we can now recommend a whole list of things to do that will substantially reduce their chances of becoming victims.

An example is Operation Ident, a program that encourages individuals to personally engrave their property with their social security number or other unique indentifying symbol. These programs, our evaluation has shown, have reduced burglaries among participants as much as 33 percent in Seattle, and 25 percent in St. Louis.

Research also is well under way to develop a reliable, inexpensive burglar alarm for the home. This kind of protection could then be within the financial reach of large segments of the community who cannot now afford it.

Similarly, standards for burglar-deterrent doors now exist and similar guidelines for windows are being developed. If adopted by the construction industry, or enacted into the building codes of the several States, illegal entry would be more difficult.

Research has shown that if entry can be frustrated for as short a time as 4 minutes, many burglars would move on to a more vulnerable target, or just simply give up.

Target hardening, as this complex of items is called, always results in at least some displacement of crime—that is, some individuals simply move from one place to another to commit their crimes. But it can also result in an absolute reduction, and it does give individuals with initiative the knowledge of how they can divert crime away from themselves and their property, even if, as the Operation Ident evaluation reveals the overall crime rate for burglary in the community may not decrease.

We are learning also that the way that public housing, streets, even whole communities are designed, can increase or reduce the opportunities for crime. To test this approach, the Institute is sponsoring a number of discrete projects under the heading of "Crime Prevention Through Environmental Design." The relationship between the physical environment and crime was initially tested in public housing in New York City where researchers found that two

buildings adjoining each other with similar kinds of population experienced dramatically different crime rates. The only differences were environmental factors: the height of the buildings, the number of apartments sharing a common hallway, visibility in lobbies, walkways. These were all found to have a strong bearing on the attitudes the tenants had towards each other and their willingness to help and their willingness to report crime.

This study developed a concept that we now call defensible space and opened up a whole new arena for research that we think is very promising. It is now being tested in areas other than public housing—business districts, schools, and private residential areas. If the results found in public housing hold true, environmental design will be a promising new research approach that I think will warrant continued Federal support.

For those who, despite our best efforts, do fall victim to crime, I think we know how to reduce the extent of their injury in ways that have not been attempted in the past.

Compared to our knowledge of crime prevention, our knowledge of providing better care for victims in such matters as restitution, recovering stolen property, providing prompt medical treatment, and a general heightened sensitivity to the feelings of the victim and the feelings of the families of the victims, is quite great.

We also know how to make victim cooperation with the police and prosecutor less of the hardship than it is now. We can fashion programs to minimize the number of appearances a victim must make in court, set court dates to fit his or her schedule, reduce waiting time, and perhaps even allow the victim to have a say in the ultimate disposition of the case to be involved in the plea-bargaining process. Court calendaring practices have commonly ignored the convenience of witnesses and victims, but that need not be an inherent part of our judicial process. As courts become more aware of the technologies now available, I believe resistance to accommodating victims, and jurors—who are, in a sense, the clients of the system—is likely to be overcome.

Regarding crime reduction, there is little to say that is encouraging. I think we have learned little about reducing the incidence of crime and have no reason to believe that significant reductions will be secured in the near future. The fact that little has been discovered, despite much effort of many good people over time, about either the causes of crime or how to reduce it, I think, is nevertheless significant. Since so little has been found out that will work, it follows that those people—officials, political leaders, editorialists, contributors to public opinion, the man on the street—who insist that something must be done, have no program to offer. Their frustration is surely understandable; we share it, perhaps the more so because we are trying to respond to it. But our research shows so far that there is nothing to the popular idea that there are measures waiting to be adopted which the criminal justice system for some mysterious reason difficult to fathom simply refuses to implement.

There are, undoubtedly, many programs that work to cut crime. I think the availability of Federal funding has stimulated efforts such as team policing, crisis intervention training, alternatives to incarceration, programs to reduce court delay, that are promising. Although their impact may be significant, it is difficult to measure it

in terms of the uniform crime reports or the LEAA victimization studies. However, we feel intuitively that they do make a difference. They should be promoted and continued in conjunction with our general search for knowledge.

One way to learn more is through a comprehensive, systematic evaluation program. The Institute, from its inception, has devoted substantial resources to evaluation. And, these efforts were significantly increased in 1973 in response to the congressional mandate directing the Institute, where possible, to evaluate LEAA-funded projects. Since then, the Institute has developed a comprehensive evaluation program with strategies for providing relatively quick answers about existing approaches to criminal justice, as well as long-term analysis of more basic issues.

Recent evaluation have raised important questions about exist'ng practices. Just within the law enforcement area, three studies come to mind: One dealing with patrol, another with the use of detectives, and a third with police response time. All tend to challenge conventional wisdom.

Patrol resources, for example, are traditionally allocated to insure rapid response. In many cases, however, it appears that the delay between the offense and the notification of police is so great that a quick response time—say, a matter of 2 or 3 minutes—may not make a difference. This finding challenges the conventional wisdom and suggests that the question we should have been asking all these years is: How do we decrease the time it takes to report an offense, rather than how do we decrease the time it takes police to respond to the scene?

Similarly, a recent study conducted under Institute sponsorship by the Rand Corp. suggests that detectives in departments all over the country could be far better utilized. In fact, they spend much of their time on cases that are not likely to be solved. While there are meaningful tasks that detectives can perform, police management needs to be more imaginative in developing better ways to utilize investigations. That is an important finding, and I think it opens the door to more innovation in police work. It is the first major study of detectives that I know of.

Similarly, a study that was not sponsored by the Institute but whose findings coalesce with what we are learning from our research indicates that routine police patrol is another area that needs examination.

As these research examples show, we are looking at areas of law enforcement that simply have not been looked at for 50 or 60 years, if ever, in a systematic way. While the news is in many ways disconcerting, it is also promising. With this kind of research at our fingertips now, we should begin to make greater strides in achieving police effectiveness.

To give you another law enforcement example, many departments are training their officers in conflict management, a new kind of training, one which Congressman McClory has been instrumental in encouraging us to continue. Institute research has found that by training the police officer to move away from relying on arrests and instead emphasize the need to reconcile a difficult situation, particularly a noncriminal one—a serious dispute between a husband and wife—that the police image in the community can be improved, police

injuries reduced, even the incidents of homicide among the combatants in a family can be reduced.

This is well documented. Crisis intervention training was sponsored under one of the first Institute grants in 1968, I believe, in New York City. Now perhaps as many as 100 departments around the country have some form of family crisis intervention that attempts to help the people who call for assistance rather than merely piling up arrests.

In the area of juvenile corrections, an evaluation of the closing of most large juvenile institutions in Massachusetts suggests that community-based homes that replace them are less expensive and more effective in reducing repeat offenses among the youngsters. If these preliminary research findings are borne out, the national significance will be considerable. It could result in the closing of many of the large institutions that now house juvenile offenders. It is still too early to say whether that will be the result, but so far, events are certainly heading that way.

What does all this suggest for the future? The only answer, as I see it, is more of the same—more advances and more frustrations.

It is likely that improvements over the next few years will continue to be made in small increments. There is no major breakthrough likely in this field, as there is in medicine with the polio vaccine. There may be a hundred little breakthroughs that cumulatively will make a difference if we have the tenacity to follow up on some promising leads.

An illuminating piece of research here, the painstaking testing of a new concept in some other place, continued funding—in short, progress that is slow and uneven but that will over time make a difference. The fact that we have progressed this far toward a more efficient and a fairer system of justice is, I think, an important achievement, one that should be prized. It has not come about cheaply or easily. If the continuity of Federal funding is assured for a reasonable time, we should be able to maintain our momentum and gain even more significant improvements in the next decade.

I believe that the amendments to the Crime Control Act of 1973 proposed by the Administration will give us the continuity essential for progress and will strengthen the existing organization of the Federal crime control effort. I hope the committee will act favorably on the Administration's proposals.

Thank you.

Mr. CONYERS. Thank you, Mr. Director. I am glad you are here.

We will begin our questioning with the ranking minority leader from Illinois, Mr. McClory.

Mr. MCCLORY. Thank you, Mr. Chairman. I certainly want to commend you, Mr. Caplan, and the Institute for the very professional way in which you handled your responsibilities and for the very able way, given the limited resources that you have had in measuring up to what I regard as an appropriate Federal role, not undertaking individually to police the Nation, which is something we do not want, but to give the kind of direction—the kind of emphasis—and of guidance that can be extremely important to local and State areas where the real responsibility for handling the problems of crime exists.

You mentioned that you favor the Administration's recommendations for revision and I happen to be a sponsor of the legislation to which you are making reference, but I am apprehensive about one part of it myself. And that is the part that would tend to enlarge,

but at the same time, in my opinion, confuse the role of the Institute by combining the civil law activities with the criminal law.

I think that we should, in extending LEAA, and in continuing this Federal involvement of assisting local and State law enforcement and criminal justice agencies, limit and confine our attention to the criminal law field.

How do you feel about that?

Mr. CAPLAN. First, let me thank you for your generous remarks; I appreciate them.

Regarding the extension of the Institute's authority in civil areas, I think it will serve this purpose: There are certain problems—for example, court delay—that affect the entire court system, and one cannot get a handle on them simply by looking at the criminal side of the calendar. By specifically giving the Institute authority to look at the entire court system, civil and criminal, it will make research easier on an important problem such as delay. However, it could dilute our limited resources to venture forth in areas exclusively civil—that had no substantial impact on the criminal side—for example, if we looked at the problems attending legal services to the poor or the issues surrounding no-fault divorce. I believe that, in exercising this authority, our research would be confined to only those problems affecting both civil and criminal courts.

Mr. MCCLORY. But if you try to handle the civil law field though without more funds, it seems to me all we would be doing would be to be dividing up what is already a limited funding into a wider area.

As a matter of fact, the civil law occupies a far greater case load than the criminal law does. So we would need more money, would we not?

Mr. CAPLAN. I think there would be a need for a modest increment. The studies that we have contemplated are not significant in terms of dollars, although I am just not sure of what the costs would be. The only example that is on the books right now and that I know we would like to fund, is a study of dispute settlement techniques on the civil side—arbitration, mediation, and negotiation—to see if they have some application to criminal cases. Perhaps criminal cases could be disposed of more quickly through a community court system, for example. This study would not require major funding.

Mr. MCCLORY. It seems to me that we could enhance the role of the Institute if we were able to communicate better with the local law enforcement agencies, the local criminal justice community, with respect to the results of reaserch, the results of evaluating work that is carried on by the Institute.

And, in that connection, I am wondering if you would not favor the development of more regional programs, seminars, contacts with local police departments and local criminal justice personnel in order to let them know what you have learned or what has been learned as a result of some of the projects that have been funded through the Institute so that they can apply them on a local basis and on a comprehensive national basis to the extent that these successful projects fit into their way of doing things.

Mr. CAPLAN. Yes, I think that the use of training seminars, on the regional level in particular, is something our experience tells us we should be doing more of.

The family crisis intervention technique that I mentioned earlier has been the subject of institute-sponsored regional seminars. We have recently polled the participants, and we found that many of them are using what they learned at the seminars and introducing the materials they were given in their own department without Federal funds.

They have simply taken an idea that made sense to them, carried it back home, and put it into practice. That has been, I think, an impressive demonstration that change can occur without a large Federal investment. We will be doing a great deal more of the training seminars in the future.

Mr. McCLORY. The hearings, so far, have indicated to the committee, at least to me, that we need more local citizen involvement more in the way of the neighborhood or community program.

I am wondering whether we need some revision of the law as we see it to enable us to fund projects at a lower level or more of a neighborhood level, or whether there are any present obstacles toward getting the citizen involvement in crime prevention in the crime deterrent programs.

Mr. CAPLAN. Regarding the Institute's authority, I would not see any need for change. We can fund any responsible source that meets auditing requirements. We have not funded community groups, primarily because they tend to receive money under the other parts of the LEAA Act, the operating funds. But the Institute may evaluate their efforts to see what kind of payoffs there are from the involvement of nonofficial, nongovernmental groups. I think that is an important area.

Mr. McCLORY. Your testimony, overall, has recommended improved evaluation techniques and practices, overall, as far as LEAA is concerned.

Now, what I am afraid of is that we are going to have evaluating done by a regional group, we are going to have the evaluating done by State planning agencies, we are going to have it done in other ways, and we are going to have an overlapping of evaluating programs. And, as a result, we are going to spend an awful lot on organizations that are contracted for to evaluate programs, and we are going to have less funds for the action programs.

Now, what I would like to see is, I would like to see your agency—your Institute—undertake the primary role of evaluation and, if, by monitoring the programs and establishing the capacity yourself for comprehensive evaluation, we could avoid some of the duplication that might otherwise occur, and, then, if we could funnel through, not only by publicizing in pamphlet form, but publicizing through regional seminars and getting communicating at the lowest possible level, the successful programs—at least those that receive the highest evaluation marks—it seems to me that thought would be a very important way for us to make progress in the fight against crime.

How do you feel about that?

Mr. CAPLAN. I agree with that. I think only the Institute has the resources, and, in a sense, the perspective to do the major kinds of evaluation.

Evaluating similar types of programs operating all over the country—for example, methadone maintenance—would involve a study that would analyze 15 or 20 of them and try to make some hard

judgments about this program and whether it makes sense for the amount of money involved. This is the kind of effort that I cannot see a State or a single locale undertaking. The most that they could do would be to prepare and make available the kind of data that would make a national level evaluation possible.

Similarly, a State may undertake a major innovation, for example, Massachusetts, with its more restrictive laws on the possession of guns or New York with its severe penalties for the sale and distribution of narcotics, or Alaska with its curtailment of plea bargaining and here, I think, is the unique benefit of an Institute that can come in immediately and assess the impact of these changes. This is very important. The rest of the country will be looking at the results of such innovations. It is essential to do the best possible evaluation and make that data available to the other States or municipalities so they will not have to rely on their best guess, but will have as much objective data as research can provide. I see that as a role the Institute has begun to fulfill in the last 3 years and will be doing more and more of. Of course, evaluation is also used more loosely in the sense that those running programs should make judgments about whether those programs are successful or not, and to that extent evaluation is something that everybody should do. It would not make sense for the Institute to have a monopoly on that kind of more impressionistic monitoring. I think everybody who receives Federal funds should do some of that. But in terms of the objective assessment of large scale funding, I think the Institute is particularly suited to that function.

Mr. McCLORY. It seems to me you have highlighted the important role which the Institute occupies and can occupy in the future as we extend this legislation.

Now, aside from the need for more funding in order to have expanded staffing and expanded operations, is there any other need that you see that the Institute requires?

Mr. CAPLAN. No, I am, on the whole, pleased with the progress that we are making. I would say that continuity in funding from our point of view is the most important element. That would be every bit as important and perhaps more so, than a greatly expanded budget.

To put it bluntly, criminal justice research was not the queen among the disciplines. What we have had to do slowly over time is recruit very able researchers from other fields where they spent their careers and were receiving funds, and that recruitment process has been difficult. If it looks to them as if criminal justice research is a sometime thing because Federal interest will disappear over time, then I think the momentum that we have been able to build will be lost. I believe a long-term authorization is very important.

Mr. McCLORY. Your appointment comes from the Attorney General, does it?

Mr. CAPLAN. At present it is an appointment of the Administrator. Under the proposed bill it would be by the Attorney General.

Mr. McCLORY. OK. Thank you very much. Thank you, Mr. Chairman.

Mr. CONYERS. What do you conceive to be the function and purpose of the Institute?

Mr. CAPLAN. Stated most broadly, to put the problems of administration of justice in sharper focus, to try to speak about them

more sensibly, to try to identify and illuminate those issues that make a difference and put aside those that may be the subject of public debate, but are not central.

In criminal justice research, one finds answers that may last for 4 or 5 years, and then one must look at the problem again. There are no answers that are for eternity. It is a continuing process of sustained review.

For example, the study of detectives that I mentioned earlier is not one that a local police department would have the resources to do. It is not one that perhaps even a professional association would willingly undertake because the results might be on the negative side, and yet it is one that desperately needs to be done because of the financial resources involved, because of the large amounts of manpower involved, because of the important work assigned criminal investigation. This is the kind of study the Institute takes great pride in having sponsored and in promoting its results, and now in watching the change that is taking place in police departments all over the country.

Mr. CONYERS. How long have you been Director?

Mr. CAPLAN. Almost 3 years, sir.

Mr. CONYERS. How many people work for you and how is the Institute broken down departmentally?

Mr. CAPLAN. There are approximately 70 to 75 permanent staff members, professional and secretarial. The Institute is divided into three divisions. One focuses on research, one on evaluation, and the third on what we call technology transfer, which is marketing our findings to interested users.

Mr. CONYERS. Describe those three branches of the Institute for me in a little more detail, please?

Mr. CAPLAN. Well, the research division is divided into five parts, reflecting the traditional components of the criminal justice system. This office has a police division, a courts division, a corrections division, a community crime prevention division. There is also one that deals with advanced technology, and a special programs division that administers ad hoc programs, for example, our visiting fellowship program.

Mr. CONYERS. Now, what do they do and why is it divided like that?

Mr. CAPLAN. The police division focuses on those problems of special interest to the police community. Its programs might reflect the recommendations of the various commissions, they would reflect the consensus of our advisory panels as to what kind of problems need tending.

There is no magic in having an organization that follows functional lines, police, court, and corrections. The Institute has had other organizational structures. When I was with the National Commission, we tried to have one that was more analytical—apprehension, detection, rehabilitation. Sooner or later the experience has been to revert to police, courts, and corrections as more traditional and rational organizational lines.

I am not sure I am responsive to the thrust of your question, but I think the Institute's organizational setup is flexible enough to accommodate programs that do not fall precisely into one of our division areas.

Mr. CONYERS. Well, what does the police division do?

Mr. CAPLAN. They have an annual budget of about—I would have to guess—$2.2 million. For the last 2 or 3 years they have been emphasizing police patrol, studying its efficacy, which, as you may know was challenged in a major study conducted by the Police Foundation in Kansas City. The Institute's study of response time builds on that study and we have also sponsored various patrol experiments.

Unions are having an impact in the police world, and our police division is developing two or three research projects that will study the problems of financing pensions, and the rights of officers vis-a-vis management and the city government. I would be happy to supply for the record examples of projects that the police division has funded over the last several years.

[The material referred to follows:]

EXAMPLES OF INSTITUTE-FUNDED POLICE RESEARCH

POLICE TRAINED TO HANDLE FAMILY DISTURBANCES

Grant Title: Family Crisis Intervention.
Grant Number: NI-69-028 and NI-70-068.
Grantee: City University of New York, New York, N.Y.

Line-of-duty intervention in family quarrels or disturbances constitutes one of the greatest hazards faced by law enforcement officers. A Federal Bureau of Investigation report revealed that 22 percent of the policemen killed in the line of duty died while responding to "disturbance" complaints. Unfortunately, the police officer untrained to handle family disputes may actually behave in a manner that induces a tragic outcome.

This project's primary objective was to train police in techniques of crisis intervention and conflict management. In addition, the study examined the effects of training on police behavior, the relationship between trainees and consultants, and the attitudes of the community toward officers trained in conflict management.

In 1970 an interim report described two separate experiments: one involving 1,287 cases handled by the New York City 30th Precinct Family Crisis Unit and the other covering 312 cases handled by the New York City Public Housing Authority Police Department.

In the first experiment, 18 policemen from a New York precinct volunteered for and received one month of intensive instruction in family crisis handling. Training included lectures, role playing, community visits, and human relations workshops. Patrolmen then resumed normal duties for the duration of the two-year project period, supplemented by weekly consultations at the City College Psychological Center.

Results indicated that police crisis intervention training was effective. There were no homicides in any of the homes visited by trained patrolmen, no injuries to any of the officers and fewer family assaults.

The second experiment, which included all the Public Housing patrolmen of two high-rise public housing projects, expanded training to cover broader areas of conflict resolution. A comprehensive analysis examined alternative training of randomly-selected recruits as opposed to volunteers, and the potential for expanding family intervention techniques to more general conflicts. This experiment involved a comparison of recruits trained for conflict management with other officers versed only in conventional procedures.

Results indicated that the officers trained in conflict management performed in a markedly superior manner. Although there was an increase in family homicides within the demonstration precinct, there were no homicides in any of the 312 families visited by trained officers. Family assaults decreased, and no officer trained in the family crisis intervention unit was killed or injured.

An in-depth examination of these tandem research programs concluded the final phase of the study. This project will be of interest to all urban police departments and will be published and widely disseminated. It will also serve as a pilot project in the Institute's new Demonstration and Replication Program, designed to duplicate successful projects in ot' er locations.

MEASURES OF POLICE PERFORMANCE DEVELOPED

Grant Title: Police Performance Appraisal.
Grant Number: 71-063-G and 73-NI-99-0036-G.
Grantee: Pennsylvania State University, University Park, Pa.

At the present time, most law enforcement agencies do not have the means to accurately measure on-the-job performance. Current instruments do not adequately assess the critical dimensions of police job performance and subsequently fail to help police agencies in making informed decisions relating to assignment, promotion, training and dismissal. The goal of this two-phased project, now in its second phase, is to improve the quality of future patrol officers and supervisors by providing the kind of accurate information needed to make sound personnel decisions.

During the initial phase of the project, the grantee, Pennsylvania State University, sought to determine the existing state of performance appraisal through a study of pertinent literature in the field and a survey of actual police department practices. Performance appraisal instruments currently in use were analyzed and found to be less than adequate. The grantee then conducted workshops and corresponded with both supervisory officers and patrolmen in order to identify and define the job dimensions—all of the tasks or functions performed by a patrolman. Evaluation scales were developed to measure and rate performance at the technical level, as judged by supervisory officers and performance at the coworker level, as judged by peer officers.

During the second phase, the grantee will test the adequacy and propriety of these scales and encourage their implementation. The scales will be administered by raters who will grade several patrol officers to determine the scales' useability and identify any ambiguities. Approximately 10 to 15 agencies will be involved in a validation process in which performance scales will be introduced into existing personnel decision systems. Following this period of implementation, a manual dealing with the performance scales and guidelines for their use will be written.

The final project goal is to determine the relationship between performance and both motivation and job satisfaction. This will be accomplished through the administering of questionnaires.

The results of these grants should be of great interest to police administrative personnel throughout the country. Improved promotion and selection procedures can lead to an improvement in the quality of future patrol officers and supervisors which will, in turn, facilitate patrol and investigative field operations.

SCREENING TOOLS HELP IN SELECTION PROCESS

Grant Title: Development of Psychiatric Standards for Police Selection.
Grant Number: 73-NI-018-G and 74-NI-99-0001-G.
Grantee: Personnel Decisions, Inc., Minneapolis, Minn.

The 1967 Task Force Report of the President's Commission on Law Enforcement stated that, "Existing selection requirements and procedures in a majority of departments, aside from physical requirements, do not screen out the unfit." Police selection studies indicate that the criminal justice system currently lacks reliable means of identifying those applicants who are either unsuitable or highly suitable for police work.

This grant will complete the work of a previous study to develop a selection program for police agencies. The objective is to develop screening tools that will identify individuals with a high probability for success as police officers, as well as those whose psychological or personal problems would interfere with effective police performance.

The initial phase of the project was directed toward specific patterns of police failure, job requirements, and selection and promotion procedures. In order to develop a comprehensive selection and assessment system, it was first necessary to evolve a thorough understanding of job requirements and the behavior patterns necessary for successful police work. A police performance evaluation system was developed to study four categories of police personnel: patrolmen, investigators, sergeants, and middle-level command personnel.

The system has been tried on a pilot basis in Detroit (Mich.), Dallas (Tex.), and suburban communities near Minneapolis (Minn.). Results indicate that, with minor revisions and some elaboration, it can be effectively used to describe police job performance, regardless of city size or geographic location.

Under the current grant, the information generated in developing these job performance scales will serve as the basis for designing and validating a total selection and assessment system for police officers. Known as the Police Career

Index (PCI), it can be scored automatically by computer at a central location, and an interpretation returned immediately to local departments to assist in making selection decisions and evolving training plans. In addition, Regional Police Assessment Centers will provide a more thorough assessment of candidates deemed marginally acceptable by the PCI and will have additional capability for assessing questions of promoting and reassigning police officers. These assessment centers will exhibit local control over personnel operations and try to incorporate modern methods and procedures in the area of personnel assessment.

Both the PCI and the Regional Police Assessment Centers will aid police departments in making more informed and accurate personnel decisions by providing pre-tested, validated procedures.

HOW IMPORTANT IS RESPONSE TIME?

Grant Title: Police Response Time.
Grant Number: NI–73–99–0047–G.
Grantee: Kansas City (Missouri) Police Department.

Response time is that period between the receipt of a service call at the police dispatch center and the arrival of an officer at the scene of the call. Police agencies are increasingly adopting response time as a major criteria for evaluating patrol performance, yet not literature exists to adequately define the related problems.

A recent study conducted in Los Angeles noted a strong relationship between the length of response time and the apprehension of the criminal, but the data did not specify types of crime. Other studies have proven similarly inadequate. To alleviate this situation, the Kansas City Police Department has begun an in-depth study of response time scheduled for completion late in 1975.

The project objectives are to find out how important police response time is in the outcome of specific crimes, to define citizen crime reporting patterns, and to identify communications problems existing between the citizen and the police dispatch center. Researchers also will seek to determine the effects of police response time on crimes reported in close proximity to the scene, all other crimes, and non-criminal emergencies.

Crimes reported in Kansas City will be analyzed by random sample interviews with those who reported the event. Results of that analysis will be used to construct a survey questionnaire which will then be distributed to individuals reporting criminal events in Rochester, New York and San Diego, California. A separate sampling will be made for non-crime emergency calls.

The study will identify those crimes in which response time is critical to the apprehension of the offender. Methods will be devised to measure the extent to which response time affects emergency operations. Emphasis will be placed on identifying those elements of police response or reporting whose modification would result in shortening response time or reducing misinformation at the dispatch center.

The project results should help police administrators to better allocate resources by concentrating on situations where response time is crucial. Hopefully, savings in manpower and equipment can then be redirected to other operations. Other anticipated benefits are the identification of methods to facilitate citizen reporting time, the improvement of communications between citizens and dispatchers and the modification of police on-scene, or second response procedures, to minimize delay and increase apprehension.

HOW TO ORGANIZE NEIGHBORHOOD TEAM POLICING

Grant Title: Neighborhood Team Policing Prescriptive Program Package.
Grant Number: 72–TA–99–0023.
Grantee: The Urban Institute, Washington, D.C.

Neighborhood team policing represents an important attempt to combine the best aspects of small surburban or rural police departments with the specialized advantages of large police departments. Under this system, teams of 20 to 40 offices are given round-the-clock responsibility for all police services in a given neighborhood, and the team commander is accountable for all crime in his area. The concept combines operating efficiency with responsiveness to the community. Small team size increases the officer's responsibility and usually his job satisfaction.

Team policing is a relatively recent addition to American law enforcement practices. The first project of its kind was initiated only five years ago in Syracuse, New York. The concept has now been adopted by numerous cities, and other police departments are contemplating its inauguration. Although some evaluative and a fair amount of descriptive materials are now available, there exists on one

document that reviews team policing experience to date and sets forth methods and procedures for implementing a model program.

This handbook is one of a series of "Prescriptive Packages" being prepared by the National Institute of Law Enforcement and Criminal Justice. The prescriptive package is designed to serve as a vehicle through which knowledge and experience can be translated into practical operational guidelines. In *Neighborhood Team Policing*, the grantee attempted to collect and synthesize all the existing research and operational experience and to provide detailed operational instructions on the organization and functioning of a model project.

A general literature survey was conducted, and data and information on actual neighborhood team policing practices were collected from a number of sources including publications and individual police department records and papers. National experience is summarized and the elements of a model program are described in detail.

The characteristics of team policing programs in 11 cities throughout the country and one "ideal city" epitomizing the grantee's recommendations are identified. The administrative areas of planning, funding, training, evaluation, and manpower are examined for each city.

Subsequent chapters suggest methods and procedures for planning, implementing and administering a neighborhood team policing program.

Selected reading lists on team policing and evaluation are also included. The final report will be available through GPO, NTIS and NCJRS by May 1974.

STUDY SAYS POLICE UNIONS HAVE MIXED RESULTS

Grant Title: The Impact of Police Unions on Law Enforcement.

Grant number: NI–70–044.

Grantee: Northwestern University, Evanston, Ill.

This project examined the impact of police unions on law enforcement through a field study conducted in twenty-two cities. Information received from questionnaires completed earlier by police personnel in approximately 50 cities served as the basis for field work.

The study noted that, where police unionism has become established, demands seem to be consistent with those of traditional trade unions regarding wages, hours and work conditions. Officers appear to be quite indistinguishable from steel and auto workers in their on-the-job concerns as expressed through their union.

Police unions have had an impact on monetary issues such as higher pensions, time-and-half overtime pay, and increased pay differentials between the various ranks. In some cases, there have been attacks on police-fire pay parity, since it is seen as limiting the ability of the police to secure greater benefits for themselves.

With regard to discipline, police unions have pressed for standardizing procedures, minimizing ad hoc decisionmaking in discipline cases, and eliminating certain kinds of punishment such as working-days off and long suspensions with no rights for appeal. Union pressure has tended to make hearing procedures more legalistic and to insure greater attention to the rights of officers during investigation, hearing and appeal.

Unions have also made advances in the area of civil rights, but primarily through all-black associations rather than integrated unions.

The study concluded that from management's viewpoint, union actions regarding advanced education, lateral transfer, development of a master patrolman classification, and changes in recruitment standards have been essentially negative and counterproductive.

Unions also have checked the prerogatives of the Chief of Police. Demands for paid lunches, court appearances, and comparable issues, have limited management's ability to allocate manpower in new directions. Demands for time-and-a-half for overtime and payment of a night differential have had a similar effect.

The study concludes that police unionism has had mixed results. It has inhibited management's discretion, fostered the development of management by policy, while protecting employees against arbitrary or inconsistent treatment. In a few cases, contractual provisions negotiated between the union and the city have caused serious managerial problems. However, the major impact of police unionism has been to focus management's attention on the needs and desires of policemen and to improve departmental practices.

The results of this research are being published and will be widely disseminated.

PORTABLE PENSIONS FACILITATE TRANSFERS

Grant Title: Portable Pensions for Law Enforcement.
Officers: Feasibility Study.
Grant Number: N–I70–072.
Grantee: The College of Insurance of the Insurance Society of New York, New York, N.Y.

To increase effectiveness in national law enforcement, barriers impeding manpower mobility must be reduced. The results of a survey conducted in 1966 by the Peace Officer Research Association indicate that the vast majority of policemen consider loss of pension benefits to be a major obstacle to freedom of movement within the law enforcement field. The absence of a nationwide, standardized pension plan may prevent a police officer from transferring to a job in which his prospects are greater and his skills and strengths can be more effectively employed. The pension problem is a further impediment to the growth of police professionalism.

In this study, plan details and funding information were obtained from 122 retirement plans of various types throughout the country. The major features of these plans were studied, compared and found to be widely divergent and to inhibit freedom of movement.

Vesting rights, which are an employee's right to retain those pension benefits he has accumulated up to the time of his termination or transfer, differed widely in the 122 plans studied.

To facilitate greater mobility within states, various steps have been taken to provide "reciprocity" of pension rights. The grant provides an in-depth look at the status of reciprocity throughout the country, summarizing provisions in 23 states.

The grantee suggested and studied ten innovative plans designed to encourage freedom of movement by removing pension-based obstacles. Final recommendations included:

The passing of legislation requiring the merger of all local police retirement systems into a single state-wide law enforcement officer's retirement system. Costs would be shared between the staff, the individual employee and the local authority which employs him.

The establishment of a system of reciprocity between states.

The adoption of a nationwide plan or series of statewide plans providing minimum retirement benefits only, leaving each state or local authority to supplement these as it sees fit. This final recommendation is endorsed as an alternative plan in the event that the above-mentioned two fail to be enacted.

The final report, Portable Police Pensions—Improving Interagency Transfers, should have a nationwide impact on police officers and legislators interested in improving law enforcement quality by facilitating manpower mobility. Copies of the report are available through NTIS (PS 207–716, $.95 microfiche) and GPO (2700–0082, $.45)

COMPUTER MODEL IMPROVES DISPATCH AND PATROL

Grant Title: Computer Simulation Model of Police Dispatching and Patrol Functions.
Grant Number: 71–090–G and 73–NI–99–0030–G.
Grantee: Metropolitan Police Department, Washington, D.C.

Police administrators and command personnel continually try to improve existing dispatch and patrol operations. To do this, they need a method to test and evaluate alternative tactics. At present that process is limited to the "let's try it out" approach, which has proven costly in terms of time, manpower, money and possibly public confidence and police morale. In addition, a method to conduct controlled tests within the patrol activity does not now exist.

This grant will continue a project to develop, test and implement a computer simulation model of police dispatch and patrol functions. The limited but successful computer model of Richard Larson at MIT served as the framework for this project.

Basically, the model is developed by computerizing the characteristics of a geographical area and then programming data on police dispatch and patrol patterns—i.e., the rate of service calls, travel time and the number of available patrol cars. This creates a computer model of an existing city or district and provides a vehicle for developing and testing a wide range of policies and tactics without actual program implementation.

The design and development of the model were completed in the initial phase of the project. The model was made sufficiently general to insure its adaptability to other police departments and law enforcement researchers.

In the final phase, the grantee will test and evaluate the model in progressively larger geographical areas within the District of Columbia and will systematically transfer operational control to Metropolitan Police Department personnel. The grantee believes any model development should be grounded in an operational environment, and the Washington District Police Department is eager to participate in the project.

The program model will be tested and calibrated using actual data collected from Washington, D.C. and then installed in the Metropolitan Police Department's computer. Trained personnel will use the model to evaluate innovative dispatch and patrol tactics, initially for one district and eventually for the entire city. The model will then be modified to reflect user suggestions. Finally, the grantee will issue a technical report documenting all project activities and providing an operating manual for other police departments.

The computer simulation model will provide police administrators and planners with a consistent framework for estimating the value of new technologies and new approaches to the patrol function. It will serve as a training tool to increase the policymakers' awareness of interactions within the system and the consequences of daily police decisions. It should also serve to suggest new criteria for monitoring and evaluating acting operating systems.

MANAGEMENT INFORMATION SYSTEM USES COMPUTER

Grant Title: Development of Management Information System for the Overall Management of the Urban Police Department.

Grant Number: NI-70-096 (Phase One); 73-NI-99-0010-G (Phase Two).

Grantee: University of Pittsburgh, Pittsburgh, Pennsylvania (Phase One); City of Buffalo Police Department, Buffalo, N.Y. (Phase Two).

The need for a management information system to aid in police administration has long been recognized. The purpose of this two-phased project is to develop a system which will provide decision-makers with information to assess their needs and facilitate immediate and long-range planning. The system is planned to be flexible enough to accommodate the particular needs of different police departments.

During Phase One, now completed, data was gathered through personal contact, work-sampling studies, and group and individual interview sessions. Results from the police departments of Clevelenad, Buffalo, Harrisburg and Columbus were compiled, and an executive management information system was successfully designed.

The design and implementation of a working model will be done in Buffalo under Phase Two of the project. However, the entire system must first be refined, and all information requirements and computer systems integrated with the police department before the model is actually implemented.

Implementation is planned in Pittsburg and Kansas City at the completion of the second phase. Through wide dissemination and the existence of three operating models the project is expected to have a significant impact on police management throughout the country.

MAJOR STUDY OF CRIMINAL INVESTIGATION METHODS

Grant Title: An Analysis of the Criminal Investigative Process.

Grant Number: 73-NI-0037-G.

Grantee: The Rand Corporation, Santa Monica, Calif.

Although the criminal investigative unit plays a crucial role in the apprehension and conviction of criminal offenders, there is a notable scarcity of analytical information on such units. In the absence of research and written materials, criminal investigative units tend to maintain traditional approaches toward training, deployment of personnel, and the use of information sources.

This two-year project involves a comprehensive analysis of criminal investigative procedures and the use of resources involved in operations of this sort. Investigative units of police departments will be examined to assess the utility of present activities, the deployment of personnel and the utilization of information sources. Resource allocations, organizational patterns and the use of evidence technician units also will be examined. Recommendations aimed at improving efficiency and effectiveness will be made.

The Rand Corporation will review existing literature and examine the criminal investigative units of police departments throughout the country. Methods of investigating effectiveness will be developed and an adaptable reporting system devised. Researchers also will evaluate decision-making methods. the quality and value of various information sources, and performanace of evidence technician units. Organizational and procedural impediments to effectiveness will be identified.

The products expected from this study are:

A descriptive model analyzing the investigative process and focusing on major decision points, investigative variables, and successful measures.

A comparative analysis of ten police department investigative units in the areas of effectiveness, policies, resources, special programs and supplemental activities. Three of these units will undergo intensive study.

An analysis of the comparative effects of informants, witnesses, physical evidence, and anonymous complaints as contributors to crime solution.

A study of crime scenes, concentrating on the collection of physical evidence and its transfer to the crime laboratory.

Guidelines for training, organization, resource allocation, the collection of evidence and the use of information sources.

A report summarizing the total program.

The findings are expected to have a significant impact on police investigation units. For the first time criminal justice officials will have a centralized information reservoir to use in organizing and improving such units.

Mr. CONYERS. Am I correct to assume that you deal with, not only research, but evaluation of other programs going on in LEAA?

Mr. CAPLAN. Yes, particularly since the 1973 Crime Control Act. In a sense, all research is a kind of evaluation, and if it works, it should give us some results of the program or the concept.

The Institute's Office of Evaluation, however, is a very focused effort to look at specific types of projects.

Mr. CONYERS. That is what confuses me about the breakdown. Who is researching and who is evaluating?

Mr. CAPLAN. In the Institute?

Mr. CONYERS. No, in LEAA?

Mr. CAPLAN. I have been delineating things that apply to the National Institute. Other parts of LEAA make available block grants funds that would go to action programs.

The Institute, for example, funds no action programs. If a better way of doing something came our way, we would suggest that the applicant go to his own State to see if it qualifies for funding in terms of the State's priorities. Or, the applicant could request discretionary funds from other parts of LEAA. But the Institute would only be interested in research.

Mr. CONYERS. Let's take the Police Division for discussion purposes. There are no police action programs, so you research questions that are in issue currently in law enforcement circles or the criminal justice process. For instance, what is the best way to proceed? What plans are working more effectively than others?

Mr. CAPLAN. Yes, that would be the large part of it. On occasion we would recommend that action funds from the State block grant funds or from other parts of LEAA be made available to conduct an experiment that the Institute with its research dollars would evaluate.

Mr. CONYERS. Is it a little misleading to say you do not have any action programs?

Mr. CAPLAN. Yes, it may be misleading in this sense: we would be involved with action programs, but our emphasis would be on the research part of them. It is accurate in this sense: we would not fund an action program unless the central interest was in finding out in a detailed scientific way the results. This approach contrasts with the

State block grant approach that would simply fund a program for prosecutor training or court delay on the basis of their best judgment that it was a good idea. We would never stop at that point. That would be, in a sense, the beginning point for us. We would want to see if it really works, and we would want to carefully evaluate it for 2 or 3 years.

Mr. CONYERS. So you are broken down into four divisions. One handles research programs, which itself has six subdivisions in it. That same division also handles an office of research programs, and the national evaluation program. Does that cover the full research operations of LEAA or the criminal justice system itself?

Mr. CAPLAN. Yes.

Mr. CONYERS. If this subcommittee were to go over to visit you, would we be able to find the substance of your work product located somewhere in some kind of orderly fashion so that we could learn more about it?

Mr. CAPLAN. Yes. Our primary products are the research reports that range from very difficult technical ones to more simple manuals that would be made available to, say, patrolmen throughout the country. These are cataloged in a reading room.

Moreover, we sponsor a national criminal justice reference service, which, I think, is a model for making available this enormous amount of material that is coming out, organizing, synthesizing, and describing its merits to various type of recipients.

Mr. CONYERS. Is there some way that you can summarize for me the results of your national evaluation program because, after all, that is what this subcommittee is doing too. We are in our limited way oversighting and evaluating and trying to determine what the law ought to be as it relates to LEAA for 1 or 2 more years?

Mr. CAPLAN. If I could, I would like to make available to the committee a summary of some of these findings.

[The material was submitted to the subcommittee for its files at a later date.]

Mr. CAPLAN. I would say that evaluation has proved more difficult than we originally anticipated. The data available to make judgments has been found with less frequency than we had hoped. Evaluation has, in some quarters, turned out to be less a program and more a passion. That is, people expect too much of it.

To a real extent, the more important the question, the more difficult it is to answer. Evaluation methodology is the product itself of an emerging social science that is making progress, but it has a long way to go.

To take a specific example, if you want to know whether a given project reduces court delay, I think we could design a study that would give you that answer in a relatively short order with a good deal of confidence.

Now, if you want to know whether a court delay is likely to reduce crime in a metropolitan area, that is pretty tough. I am not sure whether we could do that. If we could do it, it would be expensive, time-consuming and someone would have to make some difficult judgments.

For example, the evaluation of the impact cities highlights the limitations and the strengths of evaluation. We have learned that much.

As I have indicated in my testimony, some evaluations—for example, on the use of detectives, the use of patrol, on sentencing practices—have significantly expanded our knowledge. Now, we can talk about the criminal justice system in ways that were impossible 10 years ago. Today no one can deny that sentencing is uneven. The data is right there, and that forces us to look for ways to make sentences more uniform. This was not a problem that the Crime Commission acknowledged in 1967.

Mr. CONYERS. Everyone knew that in 1967.

Mr. CAPLAN. With all respect, the Commission did not single it out as a problem. I suspect the documentation simply was not available to respond to a judge who might say: "That is not true. In my court, we sentence very fairly." So much of research does, I think, as your question suggests, document what insiders might know but what is not widely admitted by the profession itself.

Mr. CONYERS. Let me quote to you the President's Commission on Law Enforcement and the Administration of Justice.

In 1967, it noted that "There is probably no subject of comparable concern to which the Nation is devoting so many resources and so much effort with so little knowledge of what it is doing."

Do you think that was a fair statement?

Mr. CAPLAN. Yes, I do.

Mr. CONYERS. And, as a result, the Institute came into being.

Mr. CAPLAN. Yes, sir.

Mr. CONYERS. Now, the Office of Technology Transfer is broken down into: Model Program Development Division, Training and Demonstration Division, Reference and Dissemination Division What is that all about?

Mr. CAPLAN. The Model Program Development Division would look at results from other Institute divisions. Let us say, for example, that team policing was evaluated and found to be a pretty good idea in one or two cities where it had been tried.

The question, then, is how do we get that information to other cities that might want to benefit from that experience? The Technology Transfer Division would try to develop a program—a menu, if you will—of the elements of an ideal team policing program, or ideal methadone maintenance program, what to do, what to avoid doing. They would package that and make it available through the kind of regional workshops that Congressman McClory talked about, or through other techniques to interested communities.

At the end of 3 or 4 years, you could say we tried team policing in cities A, B, and C. It seemed to work there. Now 25 cities are doing it. Presumably, at that time we would go back to those 25 cities to find out if it really works, and perhaps do another round in 10 or 15 years. It is that kind of process.

Mr. CONYERS. Those who charge that LEAA has 100,000 grants or projects, and do not know what is happening with them, may be in error then. Because, under this procedure that you outlined, there would be some way of evaluating, and studying, and encouraging replication of successful projects and a discontinuance of the unsuccessful ones.

Mr. CAPLAN. Yes, but, it is a very small effort.

The technology transfer program looks for things that seem like winners, that someone has proclaimed as a really good program. We then take a hard look at it and if it proves out, we begin to see that

it is replicated. This would be just a small part of the overall LEAA effort. Much of what LEAA funds under the State block grant programs are noncontroversial, worthwhile programs such as prosecutor training that one does not need to stringently evaluate. One can say with assurance that it is better to have prosecutors that have some training rather than fellows like myself who tried their first cases without any training. It is not going to solve the crime problem, but it makes a difference, and it is a good program. I think that is a typical expenditure of the LEAA dollar at the block grant level.

Mr. CONYERS. But that does not come under your Institute.

Mr. CAPLAN. No. Nor would it be the kind of thing, for example, we would be interested in evaluating. There may be 35 prosecutors' training courses in the State, but we would say that would probably not be a large or significant enough effort. We would look for something more innovative, something more controversial, like the cessation of plea bargaining in San Francisco. That would be something exciting to observe.

Is it a good idea? Does it work out? What kind of costs does it involve? We would not examine a program that, on its face, seems to be pretty good, although it may be administered well or it may be administered not so well.

Mr. CONYERS. Do you not sometimes get the feeling that this emphasis on programs misses the point of the Institute, it really should be dealing with some of the larger questions that involve the failure of the criminal justice process, which I presume you may not agree with me that it is a failure.

Mr. CAPLAN. Well, I think some of our programs really do get to the jugular. When you release, as we did, a study that says detectives can either be reduced by half or diverted to other uses, that is a high impact, revolutionary way of examining detectives. That is going to foster a debate and responses from various parts of the police community that can only benefit the country as a whole. That is not something marginal.

Mr. CONYERS. Well, what about crime causation? All you are talking about is what you do after some prospective defendent enters the system.

That is all after the fact, whether you can get more police on the beat, whether the prosecutor should be educated so that they can proceed in some more constitutional manner.

These are all after the fact. The bigger question ought to be, or might well be, why is the crime rate increasing? Why is it that 2 percent of the population are the bulk of the defendants, and those that end up in the penitentiaries, and recommit crimes?

Who, in the criminal justice system, considers that matter?

Mr. CAPLAN. Well, we have grants that focus on these issues. The Institute awarded a large grant to study the habitual offender over a 5-year period that will attempt to illuminate the career-criminal problem with as much data as can be mustered—psychological, family, social, school, upbringing. By bringing it all together in one place, we hope to see if we can get at a better way of handling the serious, habitual offender.

Trying to identify predelinquents or crime-prone people is a very hazardous venture, but it may be that we can do more in intervention strategies that get at offenders when they are young, rather than worrying about rehabilitating them when they are older.

Our research on rehabilitation has shown that these programs tend not to affect recidivism. They have paved the way, I think, for reforms that emphasize flat sentences, fixed sentences, rather than indeterminate sentences. That is a byproduct of Institute research and tends to overturn 30 or 40 or 50 years of emphasis upon rehabilitation. So it is a very significant development.

Mr. CONYERS. Before I go to my last question, what about crime causation, sir? The big question is, do we have any handle on the cause of crime? The Deputy Attorney General tells us that back in the eighth century some Italian criminologists started examining what caused crime.

Now, in the 20th century, that we know much more than when we started out. What do we know?

Mr. CAPLAN. I think it is the most difficult area. In part the problems ascribe not from difficulties in identifying causal factors or correlates of crime, but in knowing what to do about it. The correlates are well known that crime relates to poverty, poor education, discrimination.

Mr. CONYERS. I want to tell you right now that if you think they are well known, you ought to sit through a session of Congress where these would be discussed and you would find out how unknown they are. You ought to go to a police association convention, and then you will find out how unknown they are. You ought to attend a meeting of the prosecuting attorneys or even the U.S. attorneys, and you will find that what you and I are taking for something to be well known, is not well known at all.

Mr. MCCLORY. Will the chairman yield?

Mr. CONYERS. If you want to answer the question, of course.

Mr. MCCLORY. I just want to point out one sentence in the formal statement that Mr. Caplan gave us. He said, why crime goes up, or equally important, why it goes down, as it did around the country in 1972, is poorly understood. I think that it is poorly understood by the witnesses that come here, by the general public, and by the committee after the hearings, but that is no reason why we should not pursue the problem and pursue the remedies to the problem, even if the problem is not completely understood.

Mr. CONYERS. I thank the gentleman for his contribution.

Do you have anything to add to that question that I posed to you about causation?

Mr. CAPLAN. I think more research could be done there. I would agree it is very difficult. For example, crime appears to correlate with the single parent family. The youngsters of the single parent family tend to be more crime-prone than others, but what the implication is and what government can do about it are very difficult to discover.

Crime has a correlation with unemployment. To develop programs along that scale is an enormous challenge. I think the Institute has taken a narrower view of its role, to focus more upon the institutions of criminal justice.

Mr. CONYERS. Your Institute has been criticized by the General Accounting Office. Are you aware of that?

Mr. CAPLAN. I do not recall the particular criticism.

Mr. CONYERS. The most recent report was on January 20, 1976, entitled "The Program To Develop Improved Law Enforcement Equipment Needs To Be Better Managed." They proceed to talk about the equipment systems improvement program carried out by

the National Institute, citing management and administrative weaknesses that should be corrected to make the program efficient and effective. It goes on for some many pages.

Are you familiar with it?

Mr. CAPLAN. Yes, I am familiar with it although it has been several months since I looked at that. We have a detailed response to it which, as I recall, indicates that we have acted on those suggestions that were useful and should be adopted.

Mr. CONYERS. Could you make that response available to the subcommittee?

Mr. CAPLAN. Yes, sir.

[The material referred to follows:]

DEPARTMENT OF JUSTICE,
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION,
Washington, D.C., February 9, 1976.

Subject: Institute response to GAO report entitled, "The Program to Develop Improved Law Enforcement Equipment Needs to be Better Managed."

To: James Devine, Inspector General, Office of Inspector General.
From: Geoffrey M. Alprin, Director, Office of Research Programs.
Thru: Gerald M. Caplan, Director, NILECJ.

This memorandum addresses sequentially the subjects pertaining to the Institute contained in the GAO report concerning the law enforcement equipment program. Specific responses are provided to each of the eight recommendations contained in the report.

1. "The analysis group should have had effectively functioning field sites for a long enough period to identify major problems before the Institute selected research projects." (Page 3 of the Report and accompanying discussion.)

The report questions the fact that both the analysis and development groups were started simultaneously in fiscal 1973, and that given the budget constraints applicable to the equipment program beginning in fiscal 1974, there was little possibility that the products of the analysis group would be incorporated in development starts in ensuing years. The point is well taken and, in fact, is the primary reason why the analysis function was drastically curtailed and shifted to areas other than problem identification in fiscal 1974, but there are factors which bear on the original decision that warrant emphasis.

For example, the Institute's budget request for fiscal 1975 (made in fiscal 1973), and the equipment program's proportionate share of that budget request, was substantially in excess of the budget available in fiscal 1973, and since the Institute's overall budget had been increasing at a relatively rapid rate since its inception, there was a reasonable likelihood that all or part of the increase would be forthcoming. The decision to commence both the analysis and development functions simultaneously was based on the assumption, later proved to be incorrect, that the budget of the equipment program in subsequent years would be substantially larger than what was available in the first year. If that increase had come to pass, there obviously would have been funds available in ensuing years to absorb some new starts recommended by the analysis group.

But for a variety of reasons, the Institute's and the equipment programs budget picture changed beginning in fiscal 1974. One factor of importance was the emergence of new management within the Institute which made a judgment in the fall of 1973 that the equipment budget ought not to become so inflated that it would dominate the social science research functions of the Institute. Thus, when it became clear that the Institute's overall effective budget would be held at approximately $35 million, Institute management decided to hold the line on the equipment budget.

It was at that point that the futility of the coexistence of the analysis and development functions became clear. Assuming a continuing monetary ability of the development group to absorb the products of the analysis group, there is a rationale for the original organizational structure of the equipment program. But when that monetary ability disappeared, as it did in the fall of 1973, the structure no longer made sense because, as pointed out in the report, there would be no immediate or near future ability of the program to use the analysis group's products. When the budget decisions made this fact clear, the Institute's management quickly terminated the analysis group's problem identification functions. The memorandum recommending that action, quoted in the report on page 5,

was written in November, 1973, barely a few months after the Institute's new management had come aboard. The decision was implemented in the next month.

Thus, while the GAO report on this issue is correct as far as it goes, the budget situation existing at the time the decision was made is not sufficiently discussed in the report. The fact is that the situation was recognized, and corrected, by new Institute management almost immediately upon their coming aboard, as the Report impliedly acknowledges by the quotation from an internal Institute memorandum on page 5, and directly acknowledges on page 7 of the Report.

The Report makes no recommendations in connection with this discussion, as the problem identified was rectified in late 1973.

2. ". . . the Institute should try to apply ESIP funds to achieve the quickest possible results." (Page 6 of the Report.)

Implicit in this recommendation, with which we agree, is the view that more immediate impact of the equipment program's development projects has not been realized because the program's management has not "estimate[d] completion dates of the various projects under different funding levels" (page 5). It should be pointed out that, while the various estimations may not be reflected in formal documentation, both for fiscal 1975 and 1976 extensive discussions have taken place involving estimated completion dates for all development projects under different proposed funding levels. This process has accompanied the preparation of the development group's annual operating plan in each of those fiscal years. The completed plan has, of course, reflected only that funding level eventually decided upon, but the estimation process recommended in the Report has occurred. In order to permit easier substantiation in the future on this issue, the Institute will formally document the estimation process for all future fiscal years.

A related point made in the Report is that program officials should consider the possibility of curtailing the funding of certain ongoing programs, where appropriate, in order to expedite the completion of others, given overall budget constraints (page 6). The recommendation is well-taken, and in fact such a decision was made at the semi-annual program review (where estimated fiscal 1976 funding levels were discussed) in March 1975. At that review, the decision was made to defer additional funding in any amount for fiscal 1976 for the gunshot residue program and to use the funds tentatively programmed for that effort for accelerated development of the low-cost burglar alarm system. The decision was made on the representation of the contractor that with the additional funding thus made available, the system could be completed, barring the occurrence of unforeseen problems, by the end of the fiscal year.

The recommendations made on page 7 of the Report are, thus, being followed at the present time within the Institute, and in the future the estimation process as related to funding level and completion date of individual projects will be formally documented to permit easier verification, as represented to GAO officials during the November 11, 1975 meeting and referred to in the Report on pages 7 and 8.

3. "Information developed under ESIP should be disseminated as soon as possible." (Page 9 of the Report and accompanying text.)

We agree that information developed under the equipment program should be disseminated as quickly as possible, and that in the past our review procedures and personnel problems have hindered this objective. Since September 1974, we have taken the following steps to rectify this situation:

(1) A symposium on the progress of the body armor program was held at the September, 1974 and 1975, annual meeting of the International Association of Chiefs of Police. The symposium was widely attended and provoked substantial interest, not only among law enforcement officials but also among the private manufacturing sector.

(2) A September, 1975, grant to the International Association of Chiefs of Police for, among other things, a National Law Enforcement Equipment Information Center, which will focus specifically on the speedy dissemination of information on law enforcement equipment, including the Institute's equipment program projects.

(3) Personnel resources at Law Enforcement Standards Laboratory have been reallocated to speed the technical editing process in the Standards Program.

(4) An editor-writer was hired on March 1, 1975, in the Advanced Technology Division (formerly called ESIP) to manage the report review process, and the report backlog has been substantially reduced since that time.

(5) In the past year, the professional complement of the Advanced Technology Division has been doubled, from three to six profssionals, five of whom hold

permanent positions. This increase has occurred at a time when the overall personnel complement of the Institute has been significantly reduced.

(6) As indicated on page 10 of the Report, in June 1975, the Institute decided that, rather than allow reports to accumulate unreviewed within the Institute and unavailable outside, they would be forwarded to the National Criminal Justice Reference Service, with appropriate disclaimers, where they will be listed by the Service and be available to potential users. Publication decisions will still be made in such situations, but the delay inherent in the publication review process will be substantially minimized.

4. "The Institute should have used a method to circulate body armor information that would have reached potential users much sooner [than the use of a guideline]." (Page 11 of the Report and accompanying text.)

This observation is based on the perception that, since many police departments are currently considering the purchase of body armor, they should have access to information on the Institute's test methods and results. On this point, it should be pointed out that we have responded to all requests for such information, and it is available to any who request it. We have also insured that the test results and methods have been included in the documents which have been prepared and published, and are involved with industry associations concerned with insuring the production of quality material. Also, because of our concern with the fact that many police departments are considering the purchase of commercially available armor which may not have been adequately tested both for penetration and blunt trauma effects, we have initiated an interagency agreement with the Department of the Army, the end result of which will be a model or method by which individual departments can easily and quickly test the penetration, resistance and blunt trauma performance of any commercial armor.

As indicated, actions have been taken to improve the finding dissemination process and to comply substantially with the recommendations made on page 12 of the Report. The Report acknowledges this improvement on page 12, by the observation that: At the time of our review, the Institute was not adequately disseminating the results of its ESIP activities to potential users. However, it has since taken some actions that should cause its program to reach potential users faster.

5. Modification of interagency agreement to include unrelated tasks. (Page 13 of the Report.)

Presumably the points raised in connection with this criticism are to be responded to by the Contracts Office. In connection with the forensic laboratory project, however, it should be noted that the original decision was to seek a contractor by competition, but a determination was made that the Institute did not have at that time sufficient capability to manage the effort. Thus, it was decided to transfer the management of the project to the Mitre Corporation since the area was closely aligned to then existing analysis group activities. Subsequently, open competition to private contractors to produce the bulk of the contract effort was accomplished. The program was later transferred to the Advanced Technology Division (which administers the ESIP program) in order to centralize control of the overall contract activity.

With respect to the modification to provide administrative, technical and logistical support for supplemental training of criminal justice personnel, it should be pointed out that this modification reflected (1) a response to time constraints and (2) special qualifications of the analysis group's parent organization, the two conditions cited by GAO as justifications for foregoing competitive procurement. Because comprehensive support for regional training seminars had to be provided within an extremely short time frame, the use of a contractor familiar with the seminar content and requirements was mandatory. The analysis group's parent organization had provided such support two months earlier. The Institute's position was that this organization was the only appropriate contractor, given the demands of time, and was supported by the LEAA Office of Planning and Management and Executive Secretariat, which, in recommending approval, stated that "Even if this matter were a sole source procurement it would be justified." The proposed use of Analysis Group personnel as Law Enforcement Science Advisors was an attempt to use the analytic capabilities of analysis group field agents in a broader framework, expanding their focus to all elements of the criminal justice system rather than simply the police function.

It should also be noted that, so far as anyone in the Institute knows, neither the land vehicle locator and tracking system nor the drug intercept program is an Institute or LEAA program. We have no connection with either of those programs.

6. "Proper procedure should call for (1) the assignment of all new tasks to be in

writing and (2) all new tasks within the scope of the contract to be processed through the project monitor." (Page 16 of the Report.)

We agree with the recommendation, and will insure that such procedure is followed.

7. "Because of the time delays being experienced at LEAA in approving some subcontracts negotiated by the development group, LEAA should consider having a representative (contract officer or ESIP monitor) present at negotiation of major subcontracts." (Page 17 of the Report.)

The points made in the report concerning the delays encountered in approving subcontracts within LEAA are appropriate, and the Institute will review its procedures with the view towards accelerating the process as much as possible consistent with its responsibilities, and we will instruct our contractors to do the same. Also, we will seriously consider the suggestion that LEAA be represented, where appropriate, at negotiations involving major subcontracts.

12. "Although the Institute's funds are no-year appropriations, we believe funds LEAA allocates for the standards group should be based on the estimated needs for a fiscal year." (Page 18 of the Report.)

We agree that fiscal needs should be expressed directly in terms of those monies that can be realistically obligated within a fiscal year. It should of course be kept in mind that most programs in the standards program require more than a year to complete, and that because of unexpected but justifiable slippages in one project area funds may be carried over into the next fiscal year, but at the present time standards group projects are funded only on a single fiscal year basis, in accordance with the recommendation in the Report.

All recommendations contained on page 18 of the Report are presently being followed.

Mr. CONYERS. How many programs do you monitor that are performed by contractors, doing research and evaluation for you? What is the dollar amount?

Mr. CAPLAN. Somewhat over $30 million.

Mr. CONYERS. How much more over $30 million?

Mr. CAPLAN. I do not know what figures you have there. Our annual budget is about $32.4 million. If you include carryover funds, it could be substantially higher.

Mr. CONYERS. I have a staff memorandum that says that the top 10 contractors for LEAA run up $34 million by themselves.

Mr. CAPLAN. I see. I am only referring to the Institute's budget. I am not familiar with those figures. Those would apply to the entire LEAA program of $880 million.

Mr. CONYERS. Well, we are talking about 10 contractors. Do you review their activities?

Mr. CAPLAN. No, I do not think so. If I have in mind the list that you have in front of you, it lists major contractors for LEAA as a whole. Several of them are Institute contractors, but most are not. For example, if Boeing is on the list, that would not be an Institute contract.

Mr. CONYERS. Well, what about Aerospace?

Mr. CAPLAN. Aerospace is and Westinghouse is. Those are also cumulative figures on the list, I believe. For example, the Westinghouse contract from the Institute is about $1 million a year. It is probably listed there as much higher because the figure shows all the money Westinghouse has received since LEAA came into existence.

Mr. CONYERS. I do not know what you are talking about, but you are not talking about the report that I am referring to.

Mr. CAPLAN. But I do not have your report in front of me. I cannot be more helpful.

Mr. MCCLORY. Will the chairman yield?

Mr. CONYERS. Well, just a minute. I will yield to you.

Mr. McCLORY. I think it would be fair to the witness to let the witness know what report you are referring to so that he would be able to frame his answers in response to a document. Either he ought to have a chance to look at it or he ought to identify it.

Mr. CAPLAN. I am familiar, Mr. Chairman, with the Aerospace account. That would be a cumulative awards of $14 million over, I think, a 4-year period. That is for equipment development in approximately 15 areas ranging from fingerprint analysis to new ways of identifying bloodstains, semen, a cheaper burglar alarm system, the body armor that has been celebrated so much in the newspapers. These are the programs funded under a contract with Aerospace Corp. They subcontract about 50 percent of their efforts to other local concerns.

Mr. CONYERS. What branch do they operate out of under the Institute?

Mr. CAPLAN. They are monitored by our Advanced Technology Division. They are one of three major contractors monitored by that six-man unit.

Mr. CONYERS. Are you satisfied with their work product over the years that you have been in charge?

Mr. CAPLAN. On the whole, very much so.

Mr. CONYERS. What about Westinghouse? Police technical assistance?

Mr. CAPLAN. The police technical assistance is an award of another element in LEAA. The Westinghouse contract is an Institute award. It was one of the first that I signed when I came to LEAA. It was a result of a prolonged competition. The program uses some of the ideas developed in our research project on defensible space and tests them in three or four communities around the country. Westinghouse is trying to apply those concepts with local funds in Broward County, Fla., Portland, Oreg., and Minneapolis, Minn. It is a testing and further researching of some ideas that we developed.

Mr. CONYERS. And the famous Mitre Corp.?

Mr. CAPLAN. Their principal effort has been in the evaluation of the impact cities program.

Mr. CONYERS. And you are aware of the recent criticisms about the impact cities program?

Mr. CAPLAN. I read the newspaper accounts, yes, sir.

Mr. CONYERS. How do you feel about Mitre Corp.'s activities?

Mr. CAPLAN. On the whole, I think, again, they have proved to be a satisfactory contractor, doing high level work. The impact cities evaluation, I think, is an important document.

Mr. CONYERS. Well, in what respects did you disagree with criticisms that they have stated against impact cities.

Mr. CAPLAN. Well, as I recall, I think the newspapers focused on the rather utopian goals with which the program had been launched, that is, the specific reductions in crime that were the goals of the program, 5 percent over 2 years and 20 percent over 5 years.

Comparing the performance with those goals, the program fell enormously short. As I look at the Mitre evaluation, however, we are not interested solely in whether the impact cities program worked out or not, but in what we learned from the experience. I think the evaluation shows that, if we were to do it again, we could design a much more effective program.

So, from a research point of view, it is a very influential document. You see, as the research unit, we do not have a stake in whether or not the impact cities program was a success or failure; that would not be our interest.

Mr. CONYERS. Well, this is a subject matter that we could spend much more time on obviously, but I and other subcommittee members would like to visit the Institute to learn more about the nature and the significance of your work.

Mr. CAPLAN. We would welcome the opportunity to have you visit, Mr. Chairman.

Mr. CONYERS. Thank you.

I recognize the gentleman from New Jersey, Mr. Hughes.

Mr. HUGHES. Thank you, Mr. Chairman. Thank you, Mr. Caplan.

I sit over here because I am the junior member of this subcommittee. I started out as a very strong supporter of LEAA, and your report distresses me, to say the least. One of your statements says the reason we do not do better in curbing crime is we do not know how, and then in the future you suggest that—what does all this mean for the future, and the answer may disappoint you.

It is more of the same. It not only disappoints me, it outrages me. I just cannot understand, you know, how the Institute can say what we need is more of the same. You apparently were a prosecutor at one time.

Mr. CAPLAN. I have been a prosecutor. I was with the local police department. I have been in criminal justice research, a law professor.

Mr. HUGHES. How many years ago has that been?

Mr. CAPLAN. I taught law right before coming here.

When I said more of the same, I meant more frustrations and more rewarding successes as well, but I want to say that in a sense, I can share your sense of outrage. But that is the way it appears.

Mr. HUGHES. Well, let me just tell you how a country lawyer and farmer prosecutor feels about this statement.

I tried criminal cases for 10 years before I came to this body. I always found it helpful to talk to the people who had the problems, and also the people who were administering the system.

I share my colleague from Michigan's concern about looking at the broader aspect of it. I do not have to see any statistics, really, to convince me that there is some connection between unemployment, violence, and crime.

I have not seen any statistics, but I would be very, very surprised if there was not a direct relationship between broken families and crime, and particularly the absence of one parent in the home.

We had a witness last week that I think put his finger right on the very problem that we really ought to be concerned about—the absence of social pressure in a community.

What has happened in America? Hasn't there been a drifting away from religion as the center of life, the family unit as the center of activity, and away from the standards of pride in one's work and one's community.

The criminal justice system was never intended to be the primary means of reducing crime. As the chairman has indicated, that is after the fact.

It seems to me that one of the biggest things that the Institute could do for us would be to collect the kind of data that I just assumed

the Institute was collecting, which would give us these relationships between crime and unemployment for instance.

The criminal justice system is important in the overall effort to try to reduce crime because deterrence is, I think, an important aspect. Obviously, as a backup system it is important.

I want to tell you quite frankly, in all of the years that I tried cases, may of the defendants that I tried did not believe that, No. 1, they were going to get caught; and No. 2, never believed they would go to jail or be punished. A lot of them think they are smarter than the rest of us. In addition, a lot of them have been part of the system long enough to believe that all you have to do is get a good lawyer and you are home free.

Rehabilitation is a joke in this country. We give a lot of lipservice to it. Have you been to any of the institutions and talked to some of the staff psychiatrists and sociologists? The ratio of staff to inmates is often on the average of 500 to 1.

Have any members of the Institute ever gone out into the field and talked to some of the people who are involved with this work?

Mr. CAPLAN. Yes. We are not a group of eggheads that are remote from reality. The head of our Corrections Division was a former warden in a penitentiary in Massachusetts.

The head of our Police Division has had a lot of police experience. We combine research and operational experience. I think we are sensitive to the problems and are doing something for those working in the system.

Mr. HUGHES. How often do members of the Institute actually get out and talk to policemen, talk to the victims, talk to jurors, talk to the people in the penal system?

Mr. CAPLAN. I would say infrequently, although we may have some police officials in from time to time, that would be quite common. But, in terms of actually getting out in the field, it would be maybe once a month, once every 6 weeks.

Mr. HUGHES. I think that is healthy because you cannot judge things by what happens in Washington.

Mr. CAPLAN. I agree.

Mr. HUGHES. It is important to get back out into the districts and find out what is happening in the countryside. You made a statement that juries can be cut in half. Well, there may be areas where that is the case, but that is not the problem—not the jurors. Many do not want to serve because it is an inconvenience. Others do not want to serve because they are bounced around from courtroom to courtroom. Their time is wasted because a judge or whoever assigns the cases has not done an effective job and the ones that you do get that are public-spirited citizens, who are by and large the majority, get outraged over the way that they are treated. They are paid $5 in my State to attend all day. Many of them are docked when they have to leave work. Many of the judges, because they have not done a good job in impaneling, refuse to excuse jurors when they are sick or when their mother is at home and needs their care, or they are the sole support of four other employees, and without them they cannot assign the work.

Mr. MCCLORY. Would you gentleman yield just for a comment?

Mr. HUGHES. I would be happy to.

Mr. MCCLORY. For one thing, I would just like to comment that there has been some difficulty in even establishing an agency which

has the capability and which has the role of providing the kind of research, the kind of information source, that is so vital to us. And, it has been a very limited role, but exactly the subject that the gentleman is referring to now is the kind of study which the Institute has carried on so that we would be better informed and so that this information would be more readily available. I do not think—actually I have been very interested in having Mr. Caplan come here this morning to inform us, and I do not think we should charge him with the responsibility beyond what his charge was or what his capability has been since he has been able to perform only with limited funds within a relatively short period of time.

As a matter of fact, until we extended the law in 1973, the funding was almost nonexistent and there has been opposition to the role that you and I want them to assume that they are just beginning to fully assume, it seems to me.

Mr. HUGHES. I appreciate that. I want to tell my colleague from Illinois perhaps I have a different conception than my colleagues have of the role of the Institute. I understood it was to study the cause and effects of crime and, frankly, a lot of the funding I have seen going into the State, particularly for equipment, to upgrade law enforcement agencies, you know, has, I think, made it more efficient and more effective. But that is a very small part of the overall problem as I think my colleague from Michigan was trying to get across.

And yet I have seen very little come out of the Institute which is directed to the broader problem. Maybe I just have not seen a representative sample of the Institute's work.

Mr. MCCLORY. Will the gentleman yield on a jury question?

Mr. HUGHES. Well, if I may, let me finish my point.

If we think we are going to reduce crime by putting a policeman behind every tree, we are putting our money on the wrong horse, because that is not the direction that we ought to be taking.

That is not to say some of the other things you are doing are not important. It is a matter, I am sure, of policymaking within your agency as to where you direct your resources.

But, when you say—that all we can expect is more of the same—I become very concerned. This member is not going to vote for money for LEAA, unless we begin to attack the broader crime problems—the root causes, if you will, on the community.

When I started out as a young prosecutor, with a lot of vim and vigor, I may not have said that. But I came to realize over the years, as I dealt with the victims and dependents and went through the frustrations of trials, that our only salvation is to get more people involved.

If we do not do something about the attitude of people, so far as the crime problem is concerned, and create more citizens, and begin to more effectively relate to the socioeconomic reasons that are the direct cause of crime, in many cases, we are not going to do a thing. Insofar as the penal system of my own State, it goes back to the Dark Ages. It is absolutely horrendous. We are cutting people loose that should not be free because we do not have the space to bring more in; and we are not working with those that are in the system and can be rehabilitated. And it is just a self-defeating system that we are witnessing.

I would like to see the Institute get into the broader questions that would assist me in making some value judgments. That is not to say that we would not have to train our police officers to do a better job, a more professional job, and to try to professionalize our prosecutors.

It also does not mean that we do not have to take a long, hard look at the plea bargaining system which I think is just bankrupting the criminal process in some areas.

Obviously, that is not the way we are going to overcome the problem. That is what is happening, at least in some of the areas I am familiar with.

Mr. CAPLAN. I think the problems that you have identified so far are evident all over the country.

Mr. HUGHES. Then what we ought to be saying is let's get some hard facts about the relationship between unemployment and crime. You ask "What can the Government do?" I will tell you what the Government can do.

We had a public works bill up before this Congress not very long ago that was vetoed. Okay. We could not override the veto. It was a $5 billion public works program. At least it put people back to work. That has to be an effective anticrime measure.

But those are the things perhaps we ought to be looking at. If we had some hard data, insofar as how idleness breeds crime and how the lack of pride in a home makes it an easy transition from one of a lawabiding attitude to one of a nonlawabiding attitude, perhaps that kind of information would help those in the decisionmaking process to support the programs that will, first of all, not create the climate in which crime breeds.

We can do a lot of things. It does not seem to me that we have been.

Mr. MCCLORY. Do you want them to lobby for the work bill, the Humphrey bill?

Mr. HUGHES. No, I want them to provide the data, the data that gets to the broader issues. I have not seen that kind of data. I would be absolutely shocked if there was not a direct relationship between those factors and the tremendous increase in crime in communities.

Mr. MCCLORY. If the gentleman will yield, I think that the gentleman will have an opportunity to offer some amendments to augment the role of the Institute and then to increase the funding for the Institute, and then they can take on the kinds of research and intensive investigation into the entire role of Government and society that the gentleman is indicating we have to get into.

Mr. HUGHES. And I would be very happy to invite the Institute to come in to one of my counties sometime and we will show them some of the problems.

Mr. MCCLORY. If the gentleman will yield—I think that they have done a study on the jury problem.

Mr. CAPLAN. Yes, I described the jury study in abbreviated form only to make the point that you can achieve much greater economies in the administration of justice than we now have. The full study dramatically makes the points that you have made, that the jurors are underutilized. They are not well treated. They are poorly paid. They do not have parking spaces or other amenities.

Mr. HUGHES. And it varies from vicinity to vicinity. Some judges do not know how to handle the situation. Some do a better scheduling

job and have an excellent relationship. In other areas, the jurors are outraged over jury duty. And more and more people are going off the voter registration roles because they do not want to be called for jury duty which is another problem.

Mr. McCLORY. Will the gentlemen yield for one more observation?

Mr. HUGHES. Sure.

Mr. McCLORY. I believe that the Institute has done some studies with regard to the relationship between crime and unemployment.

Mr. CAPLAN. Yes, we have. I should have pointed them out. Some of the areas that you have touched upon we have not been active in, but on unemployment and crime we sponsored two different studies: One was a collection of all of the studies that had been done in an attempt to assess the merits, and the other——

Mr. HUGHES. Why don't you send a copy over to me and send one over to the President at the same time.

Mr. CONYERS. The Chair thanks the gentleman from New Jersey and recognizes staff counsel Freed.

Ms. FREED. Mr. Caplan, I have two brief questions.

One is in relation to the comments that the former Administrator of LEAA brought before this subcommittee at our last hearing. He cautioned us, since we had great concern for the need for evaluation and monitoring of programs that evaluations can tend to be self-serving. And any evaluations done within LEAA may praise and, therefore refund certain programs.

Congresswoman Holtzman has proposed before this subcommittee a bill that would have most of the evaluations done in States and local units of government and have those evaluations filtered up to the Institute for your comment and criticism.

I believe the administration has proposed that the Institute be under the direct authority of the Attorney General rather than the Admin-legisistrator of LEAA, to obviate any question in that area.

Where do you think the Institute should be, in terms of new legislation?

Mr. CAPLAN. I support the administration's proposal which would maintain the Institute within the LEAA.

It seems to me that part of the genius of that is that it has two parts. One is the research part, which would point the way towards new information, new findings, and new approaches. And the other part is this continued block grant funding, which allows these new approaches to be picked up and adopted by the States.

Other programs, which have only had a research institute isolated from ongoing funding, have found a great deal of trouble in getting research findings put into practice.

The union of research with the block grant money seems to me a singularly attractive feature of the LEAA program, and I think the Institute has been able to capitalize on that by getting, as I pointed out, such innovations as police-family crisis intervention adopted in many cities.

Ms. FREED. So you think the caution that was offered to us about the tie-in between research and possibly refunding, on successful programs—just to perpetuate them—is unfounded?

Mr. CAPLAN. I have not seen Mr. Santarelli's testimony so I am not sure precisely what he is referring to; because I agree with him on so many things, I am reluctant to take issue here.

I would say that evaluation can be bad or poor, but if it involves properly structure design, with outside reviewers, you can get and objective product.

I would be troubled about relying on the States to do evaluations of more than their own efforts. I think that evaluation to the financially pressed States is going to remain a bit of a luxury. Proper evaluations are very expensive. They are as expensive or more expensive often than the action program.

For example, to take a look at plea bargaining in Alaska, we are investing $300,000. I think if we did not make that investment because of the national implications, as Mr. Hughes has pointed out, of plea bargaining, that many States would not on their own make that kind of investment.

Ms. FREED. Let's turn to a different subject briefly.

If Judge Shepard from California, or some other enterprising individual who is charged with the responsibility of developing a community participation program comes to the Institute and wants to know whether there are such in existence now, which are successful and which have failed, do you have the capability to assist him in setting up this program right now?

Mr. CAPLAN. Yes, within broad limits, we could make available to him a list of projects that have been screened. That would give him an idea of what other jurisdictions have done that they are pleased with. We would only have a microscopic view of a few of those, however.

Ms. FREED. But you——

Mr. CAPLAN. We respond to those inquiries all the time. Someone is interested in doing something better in crime prevention; something in policing. Depending on the topic, we may have a whole lot to say, or very little.

So much more is known than any single jurisdiction is applying that, if you took 50 good ideas that are scattered here and there and are working well and try to concentrate them in a single jurisdiction, you could achieve a good deal.

Ms. FREED. You do not initiate any marketing of those ideas right now. You are in a response to inquiry stage. Is that correct?

Mr. CAPLAN. In terms of what the entire LEAA area does, we respond to inquiries. Through our technology transfer division, as I indicated to the chairman, we take each year a handful of what we consider to be the most promising ideas, and aggresively market them and then evaluate them.

Ms. FREED. Would you have anything to say about the effectiveness of community participation programs? Have you done any studies in your research section that show that neighborhood programs work?

Mr. CAPLAN. I do not have that information at my findertips. Some work; some do not.

Team policing, for example, is, I think, going to prove to be a better way of policing because it involves the community; because it is decentralized policing; because there is more community control.

On the other hand, civilian complaint review boards seem to have had poor experiences, so it is hard to talk generically.

Ms. FREED. Thank you.

Mr. CONYERS. Well, we are grateful to you. I want you to understand that this is a friendly subcommittee that has been interrogating

you. We want to visit with you. We want to learn more about how you operate. And we want to be helpful.

So, on that note, I want to thank you again for contributing to testimony in connection with this legislation.

Mr. CAPLAN. Thank you, Mr. Chairman.

Mr. CONYERS. From California we have Judge Huey Shepard, superior court judge, Los Angeles County; formerly presiding judge of the Compton district municipal court.

He joins us in his capacity as chairman of the Criminal Justice Coordinating Council for the Compton judicial district of California.

We welcome you, sir. You have some friends with you?

TESTIMONY OF JUDGE HUEY P. SHEPARD, CHAIRMAN, CRIMINAL JUSTICE COORDINATING COUNCIL, COMPTON JUDICIAL DISTRICT, CALIF., ACCOMPANIED BY MARTIN MAYER, ADMINISTRATOR, CRIMINAL JUSTICE COORDINATING COUNCIL, COMPTON JUDICIAL DISTRICT, CALIF.; JUDGE JAMES N. REESE, MUNICIPAL COURT, COMPTON JUDICIAL DISTRICT, COMPTON, CALIF.; MAYOR JOHN A. MARBUT, CITY OF CARSON, CALIF.

Judge SHEPARD. Yes, I would like them to come forward. Mr. Mayer, who is the administrator of the coordinating council; Judge James Reese, and Mayor John Marbut from the city of Carson—the largest city in our judicial district.

Mr. CONYERS. We welcome you all. I know you have traveled over a long way.

Judge SHEPARD. Also with our delegation is Judge Everett Ricks, who had to step out for a moment. He is present presiding judge of the municipal court of the Compton judical district. Also with us is Mr. William Mayer, who is deputy director of the Los Angeles County Regional Criminal Justice Planning Board.

Mr. CONYERS. Well, we appreciate your coming. We have the testimonies of yourself, Judge Shepard, and that of Administrator Mayer. We will put them in the record at this point.

[The documents referred to follow:]

MARCH 29, 1976.

PREPARED STATEMENT OF JUDGE HUEY P. SHEPARD

Chairman Conyers: Thank you for the invitation to testify before the Subcommittee on Crime which is holding hearings on the reauthorization of the Law Enforcement Assistance Administration (LEAA). I serve as the Chairman of a Criminal Justice Coordinating Council for the Compton Judicial District (CJCC) in Los Angeles County, California. For approximately two years we have been involved in a criminal justice planning effort in this Judicial District at the special request of the former Administrator of LEAA, Mr. Donald Santarelli.

The Judicial District consists of four cities; namely, Compton, Carson, Lynwood and Paramount plus some unincorporated territory of Los Angeles County. The population of the District is approximately 350,000. The Special Assistant to Mr. Santarelli, a Mr. Richard Jacobsen, was initially in contact with us regarding the implementation of a drug referral program, referred to as Treatment Alternatives to Street Crimes (TASC), which LEAA desired to implement in Los Angeles County. This initial contact started in early 1974. At that time I was serving as Presiding Judge of the Compton Municipal Court and we made contact with LEAA indicating an interest in attempting to implement the TASC Program into our District, even though two years prior the leadership of Los Angeles County was not able to successfully develop a TASC Program.

We had meetings with the leadership of every agency in Los Angeles County and the leadership of the four cities of the Judicial District. As a result of these meetings we were successful in receiving unanimous endorsements from all of these agencies for the commencement of the TASC Program. That Program is now in its second year of funding in Los Angeles County, as a result of the leadership of the Judges of the Compton Municipal Court.

Immediately after this was accomplished, Mr. Jacobsen inquired whether the leadership in the Judicial District was interested in long term technical assistance in criminal justice planning to combat crime in the Judicial District. We indicated our interest and a number of preliminary meetings and discussions were held with the four cities and the County and all of the LEAA agencies in the State. This culminated in a meeting at the Compton City Hall on March 22, 1974, which was addressed by Mr. Charles Work, Deputy Administrator of LEAA; Mr. Cornelius Cooper, Western Regional Administrator of LEAA and Mr. Paul Haynes, Director of the Office of National Priority Programs, LEAA.

Among other things Mr. Work made the following comments:

"The notion I want to have you take with you, and the notion I don't want anyone to forget, is the notion of partnership. At this table is a truly symbolic gathering of those concerned with criminal justice problems nationally, regionally, within the State, within the region of the state, and within the City of Compton. This kind of partnership is what is going to make this particular idea here in Compton a success; without this kind of partnership it will not work. . . . We are not interested in temporary ideas or notions; we are interested in a lasting commitment to improvement, and we think it is this partnership notion that is going to effectuate that. . . . Now you may ask, why Compton? There are two reasons: One is that the problem here is a very serious problem indeed . . . If there are to be any improvements, it will take very, very hard work and it will take a substantial period of time. We are here to say, quite simply, that we want to take part in that process and we want to be part of that hard working team that is going to attack it, and we want to do it on a partnership basis.

The second reason for Compton is much more important than the first; that is that we sense here a spirit and a commitment to doing something about these very serious problems. . . . What we are here to say and offer to the City of Compton is support for a detailed planning effort. . . . We all want to pull together in a planning effort to muster and marshal the resources and set goals and objectives so that crime can be attacked in this city. What we are here to support today is an attack on crime through sophisticated, well thought out planning efforts. We will sit down and work out a timetable with respect to other goals and objectives so we can time each item step by step and work on other arrangements which will also involve LEAA funds and attack not only the specific symptoms of crime, but also the causes of crime. . . . What Compton is for us is an experiment in intergovernmental relations; an experiment with extraordinarily difficult crime problems, and an attempt to bring several agencies to bear in one area. We are deeply committed to making this work."

As a result of this meeting on March 22, the leadership of the criminal justice system in Los Angeles County was enthusiastic about the proposed program in the Compton Judicial District. There was continuing dialogue between local officials and LEAA which again resulted in a meeting on May 6, 1974. At this meeting Mr. Richard Jacobsen, Special Assistant to the Administrator of LEAA, introduced to the leadership of the Judicial District a team of consultants which had been chosen by LEAA to do a pre-start survey of the problems in the Judicial District. The Executive Officer of the Court, Mr. Otto Hall, worked very closely with the team to arrange appointments with many of the top leaders of agencies in the criminal justice system. Mr. Jacobsen again voiced support of this program in the manner that Mr. Work had done and stated in part:

"In this case here, we are recognizing two things: one is that LEAA can play a leadership role in the community; and two, that the causes of crime do not just deal with the Criminal Justice system, but the causes of crime are social, economic conditions as well as Criminal Justice factors. . . . The intent here then is to study the system from a system-wide perspective, taking these other social and economic factors into consideration.

"The two-week effort, as I said, is commencing today, will produce the kind of grass roots or first sketch, if you will, of what the major problem in areas and solution areas are. In the long-term diagnosis, which will be composed of a team of approximately four to six members, will actually refine the analysis suggestion projects to you that can be funded by LEAA; and with your approval, we will attempt, and I think that we can deliver on this.

"From the time that the grant is started to be put down on paper, we will insure that that grant is finished and funded and the dollar in your hands within 60 days.

". . . Lastly, what we are calling this is our success partnership model. You have demonstrated to us your commitment for improvement. You have agreed to eliminate a certain amount of red tape. You have agreed to try to institutionalize the projects in the process, and you have given us your cooperation today. We will provide that to you at 100 percent funding, program development; program tests on a 90–10 funding ratio and program evaluation. So in essence, we have the Federal funding assistance commitment partnership in planning and partnership in decision making. That is basically the model that was presented out here approximately a month ago by Mr. Work."

At the end of his presentation Judge Joan Dempsey Klein, then Presiding Judge of the Los Angeles Municipal Court, asked Mr. Jacobsen the following question: "Has this been tried anywhere?" Mr. Jacobsen's answer was, "We are going to try it out on Compton. . . . There have been a lot of attempts by the Federal Government and by State and local governments, for that matter, to try to do something like this. . . . One of the principal problems with all of the programs was that they didn't provide one qualified staff to help develop programs, to get community participation in the development of those programs in a way in which was meaningful."

In approximately July of 1974 Mr. Santarelli resigned as Administrator of LEAA; Mr. Richard Velde succeeded him. Subsequently, we were informed that our communications with LEAA regarding this project should be with a Mr. Mike Dana, who was the head of their Citizens Initiative Program. After considerable delay in communications, another team of consultants came into the Judicial District and spent approximately five months to do a further study and analysis. The local leadership again made themselves available for interviews and conferences. We had always indicated to LEAA that they had not kept their commitment of providing a long term technical assistance team which would be working here in the Judicial District on a daily basis. It is my impression that they recognized the need for such a program but were reluctant to spend the funds.

We subsequently had a meeting with Mr. Richard Velde on the Queen Mary in Long Beach, California with Mayor Doris Davis of Compton; then City Manager, James Wilson, of Compton; Mr. Tom Clark, Region IX LEAA and Mr. Mike Dana of LEAA Citizens Initiative Office. We personally informed Mr. Velde of all of the efforts of the local leadership and he reaffirmed LEAA's support of our effort and we continued the work of the Coordinating Council in the Judicial District. This was difficult to do without an appropriate staff. I am informed that Mr. Velde requested that the Director of the Office of Criminal Justice Planning, State of California, then Mr. Anthony Palumbo, provide funds for a small planning unit, consisting of approximately four persons.

This Grant will end on June 30, 1976, and to date we have not been informed why LEAA has chosen not to honor its commitments to this Judicial District. The representatives of this Coordinating Council have met at least monthly and at times more frequently during the early development of this Program; proposals have been initiated and we have received nothing but delays from LEAA.

We feel it is highly inappropriate for a federal agency, whether or not it is LEAA or some other agency, to come into a community and make the promises of the sort which they made, receive the full cooperation of that local community and then walk away without any explanation or any attempt to fulfill the commitments which were made. If this kind of breach of the "successful partnership" agreement which was promised by Mr. Charles Work, the Deputy Administrator, LEAA, is permitted to happen in the Compton Judicial District, it can happen in any other district in the Country.

The present Administrator of LEAA, I am informed, has been a participant in all the decisions affecting this Project, even prior to the time when he received the role of administrator. He reaffirmed that commitment in support upon assuming that role but for reasons which he has not made known to us, he has failed to carry out the promises.

The Judges of this Judicial District were successful in getting the local leadership to support this effort based upon the promises made to us by LEAA. LEAA's credibility with this community is now very poor and as a result they have put the Judges of this Judicial District in a bad light because of these broken promises.

This planning effort has the full support of the Regional Planning Unit in Los

Angeles and the State Office of Criminal Justice Planning. We feel that LEAA Central should not and cannot be permitted to ignore the commitments which were made.

Thank you Mr. Chairman and Members of the Committee for this opportunity to appear before you.

PREPARED STATEMENT OF MARTIN J. MAYER, ADMINISTRATOR, CRIMINAL JUSTICE COORDINATING COUNCIL FOR THE COMPTON JUDICIAL DISTRICT

Mr. Chairman and members of the subcommittee: It is an honor and privilege to appear before the House Judiciary Subcommittee on Crime. I am grateful to Congressman Conyers for the invitation to testify and present information and opinion which will have bearing on legislation which might result in the reauthorization and refunding of the Law Enforcement Assistance Administration (LEAA).

I currently serve as the Administrator of the Criminal Justice Coordinating Council for the Compton Judicial District (CJCC) in the County of Los Angeles in California. The facts and circumstances surroudnig the creation and development of this unit is relevant to the issues before this subcommittee since the concept was initiated by LEAA.

Early in 1974 LEAA Administration in Washington, D.C. approached the people in the Compton Judicial District (CJD), consisting of the cities of Carson, Compton, Lynwood and Paramount, and proposed that the District become involved with their newly formed Office of National Priority Programs. Its purpose was to do comprehensive planning as it relates to crime reduction and systems improvement. LEAA became aware of the District after learning that the City of Compton had the highest incidence of major crimes per 100,000 population in the Country, as per FBI reports. LEAA pledged a "partnership" with the communities within the District. During the course of the next two years LEAA secured committments from the local officials as well as extensive amounts of time and effort on the part of those officials. Long range plans were set forth by LEAA; promises of substantial sums of money were made to enable a planning unit to be established which would develop projects which would have long term, lasting effects on the problems of crime and juvenile delinquency in the Compton Judicial District; promises of ongoing technical assistance and support were made—to date, few, if any, of the promises have been kept. In fact it has been almost impossible to secure any information from LEAA regarding the status of our proposed program.

I believe it is important to set forth a chronology of events for the past two years—since it has been that long in the making—and thereby reflect the degree of involvement on the part of the local communities. There are several quotes indicated in the chronology—they are direct quotes transcribed by court reporters present during the meetings referred to in the text. The persons referred to are the following: Charles Work, Deputy Administrator, LEAA; Richard Jacobsen, Special Assistant to the Administrator (Donald Santarelli) of LEAA; Michael Dana, Director of the Office of Citizen Initiatives, LEAA; and Rick Berman, LEAA Regional Office in San Francisco.

March 22, 1974.—LEAA initiates series of meetings and proposes a partnership commitment with the local officials. "We are interested in a lasting commitment to improve, and we think it is this partnership notion that is going to affectuate that." (Work).

April 20, 1974.—LEAA meets in Washington, D.C. with local, State and Federal officials to discuss the implementation of the LEAA/Compton Justicial District project.

May 6, 1974.—LEAA organizes meeting in Compton (involving over 100 persons) and commits Federal funds for planning partnership. "We are now ready to implement that partnership model." (Richard Jacobsen, Special Assistant to the Administrator, LEAA) During following two weeks interviews to be conducted of local officials to ascertain needs. Interview team consists of two LEAA staff members and eight consultants.

May 16, 1974.—LEAA reports back to group about interviews conducted during previous ten days with Los Angeles County officials. Interview schedule was requested by LEAA and arranged by CJD officials. LEAA to compile interview data and forward it to locals for review.

July 15-19, 1974.—LEAA conducts "de-briefing" sessions, in Compton, on interview data compiled in May. Three day conference requested and held by LEAA with same local officials.

October 1974 to February 1975.—LEAA assigns four, full-time persons as a National Priority Diagnosis Team to again conduct an "on site" review of the needs of the CJD. All expenses paid for by LEAA for a five month period.

November 19, 1974.—LEAA reaffirms its commitment to CJD. "LEAA is here to assist this community. . . . (T)he fact that we are here now in the Judicial District is commitment enough at this stage of the project." (Michael Dana, LEAA)

December 17, 1974.—After change in LEAA Administration in Washington, LEAA officials still commit involvement with CJD. ". . . (W)e are moving in the right direction and if we continue to work together we are going to have a National Priority Program." (Dana)

January 1975.—Meeting in Long Beach, Calif. between local officials and Richard Velde, new Administrator of LEAA. Reaffirmation of support.

January 10, 1975.—Meeting of Steering Committee of National Priority Program. "LEAA is still in full support of the National Priority Program." (Rick Berman, LEAA Region IX)

February 1975.—Despite continuing statements of support for original commitments, LEAA not yet willing to provide discretionary funding for National Priority Program. California Office of Criminal Justice Planning provides emergency fund relief to establish a Criminal Justice Coordinating Council (CJCC) for the CJD.

May 5, 1975.—Administrator of the CJCC brought on board to develop the CJCC and then develop, secure funds, and implement programs pursuant to the plans established by LEAA.

June 24, 1975.—CJCC Administrator meets with Velde, Work and Dana of LEAA, in Washington, D.C. LEAA directs CJCC Administrator to develop a concept paper outlining second and third year plans for CJCC prior to its funding.

September 1975.—Concept paper forwarded to LEAA for review and comment.

As of this date we have been unable to secure any comment from LEAA regarding the concept paper. Despite numerous telephone calls and communication by mail no reply has been received. As a result it was necessary to call upon our elected Congressional representatives, Charles Wilson and Glenn Anderson, to intervene on our behalf. As a result of their intervention a meeting was arranged and a delegation of local officials travelled to Washington to meet with the interested and involved parties. The outcome of that meeting is still very uncertain.

I would like to take the opportunity to set forth examples of the types of programs proposed by the Criminal Justice Coordinating Council—it is our firm belief that these programs, if implemented, would have a positve effect on the communities efforts to reduce the amount of criminal, anti-social behavior, in the District.

1. *Criminal Justice Coordinating Council.*—The primary unit established to plan, develop and initiate projects within the Compton Judicial District in its effort to coordinate all relevant governmental units in the "fight against crime." The original concept of the National Priority Program, as outlined by LEAA. called for the establishment of ". . . a viable planning unit for the CMCD that will function effectively long after LEAA has left.

2. *Witness-Victim Coordinator Project.*—To establish a unit which will: provide assistance to witnesses in criminal cases, improve the attitude of witnesses and their willingness to participate in the justice system, increase court efficiency by reducing continuences and case dismissals and the number of appearances required of witnesses, develop an ongoing research capability in order to modify and improve witness related activities, and involve the community in order to improve the public's image of the courts and the criminal justice system.

3. *Youth Self-improvement Program.*—A program which seeks to raise the level of self image held by young women who have become involved with the criminal justice system. It builds a positive self image by offering advice, assistance and training in areas of particular concern to them. It seeks to achieve a number of objectives: to increase the individuals belief in her own positive potential, to increase her skills in handling interpersonal transactions, to increase her confidence and social skills to enable her to be better prepared to seek employment, to acquire skills and knowledge in the area of personal grooming, health care and other related areas of personal hygiene.

4. *Job Orientation and Training Unit.*—Includes training of "hard core unemployables" primarily those on probation or those who have gone through the criminal justice system. The training will relate to basics necessary to hold and maintain employment. The program would be geared toward "on the job training" with employees receiving part of their wages through a subsidy provided by this

grant. Such a subsidy would be offered as an inducement to prospective employers since it would reduce their investment during the relatively non-productive period while the employee was being trained. The program would include pre-employment training as well as on the job training. Staff would continue to work with both the employee and employer for a period of approximately six months.

5. *Alcoholic Recovery Unit.*—Development of a detoxification unit for those individuls who are "public inebriates" and who, heretofore, were processed through the courts and corrections. Local police officials have indicated that the availability of such facilities would enable them to take such persons to those facilities for treatment rather than processing them through the system. Long term rehabilitative programs would also be made available for those who desired it.

6. *Crises Intervention Telephone Hotline.*—Establishment of an emergency telephone service for adolescents in crises; to offer short term counselling, to offer immediate and anonymous assistance to those calling, to evaluate the needs of the adolescents, to provide referrals to appropriate agencies when such a need is indicated and to provide consultation and follow-up as indicated.

7. *Youth and the Administration of Justice.*—School project designed to increase both student knowledge about, and positive affect toward, the justice system as institutionalized within the United States today. Sub-goals are the increasing of positive self concept and the building of peer teaching and other personal skills among students, as well as the modification of justice personnel attitudes towards youth.

8. *Citizen Dispute Settlement Panel.*—Involving selected and carefully trained community persons as mediators in "minor," though potentially "criminal" disputes in a manner that satisfies the parties that justice has occurred and prevents the recurrence of future problems by addressing the basis of the dispute. To involve the defendant and the victim in arriving at a fair and equitable solution which will make the defendant more aware of the human consequences of his deed and to educate all parties to the difficulties inherent in the criminal justice system.

It is the hope of all those who have dedicated themselves to this concept that it will not be allowed to die. This has been a classic example of a Federal agency going to a local community, raising their expectations, promising help and support and then totally withdrawing—leaving those citizens with nothing for their efforts but empty, unfulfilled promises.

I wish to thank the Chairman and the members of the Subcommittee for affording me the opportunity to appear in connection with the reauthorization of the Law Enforcement Assistance Administration and I welcome any questions you might have.

Mr. CONYERS. Then you may begin.

As you know, when you come this distance we want to talk with you. We have a written record and we are going to read your testimony. We are interested in how you feel about the program.

As my colleague from New Jersey pointed out, too frequently what is going on in Washington is not really what is happening in the country, so we are glad to have you all with us. You may begin.

Judge SHEPARD. Thank you.

We will have Mr. Mayer give you a brief chronology of the Criminal Justice Coordinating Council, and then I will give some further comments about where we are. And then perhaps Mayor Marbut and Judge Reese will also have some comments in response to questions; otherwise, Mr. Mayer, you may proceed.

Mr. MAYER. Thank you, Judge, members of the subcommittee.

It is an honor to be here in front of you. The testimony that I submitted contained a chronology of events leading up to our present position and so I will not take up a great deal of time going over that.

I think it would be relevant, however, to point out a few major facts.

The Compton Judicial District is located in the county of Los Angeles. It is basically located in the central part. The city of Compton several years ago was identified by the FBI as having one of the

highest crime rates in the United States. This was recognized by either Esquire magazine or Time magazine which did a cover story article on it.

LEAA and Central in Washington, at that time, came to the community and stated to the community that they wanted to develop a special program that they had set up, an Office of National Priority programs, and they felt that the Compton Judicial District at the area involved could benefit from the input of the Law Enforcement Assistance Administration.

They stated, in fact, that they were doing something that was unique. They were not responding to requests for proposals but were rather coming to the community and developing what they referred to as a partnership.

There were a series of meetings that were held between the beginning of 1974 up to and including yesterday. These meetings involved a host of different people. They were originally involving the highest level administrative people within LEAA.

The whole concept of Office of National Priority program was originally developed by Mr. Santarelli, as he pointed out when he spoke to the subcommittee last week. There were meetings that were called and held in Washington, where local officials from California traveled to Washington.

There were diagnostic teams that were sent into the Compton Judicial District. There was a period of 2 weeks when three key administrators from LEAA and eight private consultants spent a 2-week period of time interviewing a host of different people, the purpose of which was to isolate the ideas and the problems, and limit the scope of the eventual proposals.

All of the meetings that were requested, all of the time that was needed, was put together by the people in the local community.

There was, subsequently, a second group of consultants that was sent out to live onsite. Onsite turned out to be in Los Angeles County, but certainly not in the Compton Judicial District.

They spent anywhere from 5 to 6 months. The amount of money that was spent for the travel, living arrangements, consultant services, putting together two reports, which, parenthetically, the cities involved and the court have indicated is fraught with misinformation and inaccuracies; and, therefore, the statistical information cannot be utilized very well, all of these things cost a great deal of money.

There was a change in administration. Mr. Santarelli left LEAA. Mr. Velde took over. There was a perceptible change in attitude at that point, in terms of the commitment of LEAA to the communities involved, although a great deal of effort had, up to that point, been put in by the communities and by the local officials.

There was a meeting in January 1975 where Mr. Velde traveled to California; met with the judge; and with Doris Davis, the mayor of the city of Compton; and several other key officials. And I am sure the judge will elaborate on that.

We believe there was, again, a reaffirmation of commitment.

In June 1975, after I came onboard as the Administrator, I traveled back here and met with Mr. Velde, personally, and there was most definitely a reaffirmation of commitment at that time to me, as well as a direction of what we should do in order to be able to proceed to fulfill, again, the program that LEAA came to the community to implement.

We proceeded and we complied with the requirements as set forth by LEAA, which were basically to set forth a concept paper which would be to describe some of the ideas that we in the local community wanted to implement, and we would then work together to develop that concept paper into something that could be translated into a proposal, and then carry on with the goals and objectives.

They talked about dealing on all levels—not just the criminal justice level—but dealing with the problems of housing, dealing with the problems of education, job training, and so on.

The city of Compton, alone, has 1,200 boarded-up houses as a result of the compliments of HUD, so that there was an overall projection that was to be developed.

There was going to be a planning system established for long-term results and long-term commitments.

Subsequent to the September submission of a concept paper, we formally have never heard a word from LEAA up until yesterday.

Judge Shepard had written to Mr. Velde in February and, in essence, asked what was happening, and concluded his letter requesting a meeting with Mr. Velde for this week.

The Judge did not get a response until just last week just before he flew out with the other members of the delegation. And the response was not from Mr. Velde but was rather from J. Robert Grimes, who was an assistant administrator.

I would like to conclude by just referring to some of the points in the letter that were raised because I believe it is indicative of the attitude LEAA has taken toward our community, and the raising of expectations that were done by them and just left alone.

The only way that we have been able to start the coordinating council up to this date is because the State of California, through block State money, provided a small grant.

In the letter from Mr. Grimes, it is referred to that, in addition, it is not the intent of LEAA to utilize discretionary grant funds to provide continuation funding for projects initiated with block grant funds.

So, with that definition, we would be excluded from getting discretionary funds.

However, it was LEAA that imposed upon the State of California to provide us with the block money to get started because they were not yet in a position to come through with the funding for the administrative unit.

At a meeting that was held in Congressman Charles Wilson's office yesterday, which was attended by Mr. Velde, he finally conceded that yes, that was a "Catch 22" and that that would not apply.

In addition to that there is a statement in the letter regarding the attitude of the State of California and as we all know, Governor Brown has had some problems with the whole concept of the LEAA and the way it has been administered.

One of the problems raised in Mr. Grimes' letter is the way we proceeded in terms of trying to get planning money for this administrative unit would in essence be contrary to the Governor's position. And, what Mr. Grimes either was not aware of or did not recognize was the letter that had been sent to Mr. Velde by Douglas Cunningham who was the Governor's director of the California Office of Criminal Planning in which letter he indicates that the State administration

is very concerned about the matter involving the Compton judicial district and very supportive and specifically calls upon LEAA to come through and honor the requests or rather the commitments that had been made. That was not referred to in the letter that was sent by Mr. Grimes. Then, I can only assume that it was an oversight.

Another point that was raised is that it was stated that I feel it is most important that all negotiations concerning criminal justice planning for the Compton judicial district must be carried out in coordinated effort consisting of representation of the affected community, the Los Angeles Regional Planning Unit, the State Office of Criminal Justice Planning, and LEAA San Francisco Regional Office. At the beginning every one of those agencies were represented on the board of directors that makes up the Criminal Justice Coordinating Council. All of the local communities are represented; they have been involved. It is as if nothing that happened in the past is to be considered anymore. They are nonoperative. We forget about those things. But, everything that the agency has asked for from the local communities for the past 2 years, has been complied with, provided and followed through on. And, basically, at this point, we were left without any recourse. We could not get a response and it required our coming to Washington, and it required the good offices of our congressional representatives to put together a meeting that up to that moment was denied us. That basically, members of the subcommittee, is the chronological outline of events. And, once again I thank you for allowing me to appear before you.

Mr. CONYERS. Thank you for that background, counselor.

Judge SHEPARD. Thank you, Mr. Chairman.

I, too, am pleased to have the opportunity to testify before you. We in the local community were extremely enthusiastic about the prospect of the kind of program that LEAA offered. It happened because the leadership of the judges of this particular court were able to pull together, literally, every agency in Los Angeles County. We got an endorsement of their department head to a special drug treatment program which arose under the Safe Streets Act called treatment alternatives to street crime which is referred to as TAS. They tried 2 years prior and had escrowed some Federal money to get this program in L.A. County and the other persons who tried it, could not do it. But, when the judges became activists, when they got off the bench and got into the community and knocked heads with the leadership of agencies, we were able to, as I say, get every agency in the county to fund the program. It is now in its second year of funding. It was at this point that LEAA said, hey, this is the kind of participation by the judges and the rest of the criminal justice system that we have been looking for. We would like to do this special national priority effort and we said we were willing.

The problem that it puts us in at this point, I think, is an issue we are very concerned about and it is the credibility of the commitments of a Federal agency to a community. Now, obviously even if we had a written agreement with them in terms of a contract, it cannot be enforced. But, if we were dealing with contract law, there is no way that we could not enforce our rights as against them. We rely, you know, to our detriment, we relied on the promises so that there will be a stop to the attempt to claim that they did not make them.

We have transcripts, and I will be happy to supply you with a copy of those original meetings where the deputy administrator and the special assistant to the administrator came and made statements and even Mr. Santarelli himself, visited with us and even Mr. Velde himself, has been out to meet with us, and, the team that was put into the community for 5 months was done when Mr. Velde was the administrator. Yesterday he met with us and said there was no commitment. I can understand if he told us, well look, because of budgetary cutbacks we do not have the kinds of funds we anticipated and we cannot come through with the grandiose promises that were made. But, for a man to sit there and tell us that there was no commitment, I cannot accept that. So, that, I think the other thing is, I think LEAA can be effective provided that they change their focus and change their direction. I think they have been too, shall I say, equipment oriented in terms of police needs, as to cars, guns, analysis techniques and that sort of thing. I think they are on the right track when they set up this special division of national priority programs to develop citizen initiative programs and crime prevention programs and special juvenile programs.

They also had in mind to get the Federal Regional Council involved, realizing there are causes of crime, as Mr. Hughes was referring to and you were referring to, Mr. Chairman. We are not going to resolve the crime problem by just prosecuting and locking up people and running them through the criminal justice system. Because, until we do something about the social problems out there, they are only going to be back again. We in the court know that. The judges of our court recognize that very clearly and that is why we were so enthusiastic about this. As a matter of fact the Federal Regional Council on the west coast designated this area as a special impact area. And we are negotiating with them now to set up a special clearinghouse to work on programs and projects that affect, you know, all of the social, economic, and employment problems in the area.

At this point we are disappointed, we are frustrated because LEAA has chosen, at least as far as I can understand at this point, not to follow through.

Now the meeting we had with Mr. Velde yesterday was a rather noncommittal kind of thing. He said there was no commitment. He agreed that there was a need and that he would explore some alternatives. But, we could not pin him down on anything very specific at all. So, these kinds of expectations to be raised in a community, to have the judiciary get out front and pull together for cities in terms of a cohesive working unit, now we are going to have to go back to those city councilmen and cities and say we are sorry, we have been lead down a path and there is not anything we can do about it. That is why we are appealing to the congressional leadership to intercede and see to it that LEAA does keep the kind of commitments that it has made.

That is the extent of my comments except to say that there was already some citizen participation planning which we thought was going to be meaningful in the community, There was organization of block clubs where people look out for one another, if they see unusual activity in terms of criminal activity. There were citizens meetings about the crime problem. I think once you get your local level people concerned in this fashion, not only will they be looking out, but they

will not be reluctant to be witnesses. They will be supportive of one another in terms of the kinds of crime problems. And, I think we can begin to make some progress because until you get full citizen participation involved in crime prevention and do something about the social problems that are contributing to crime, we in the court system, you know, we are doing what we have to do but that is not going to stop the defendants from coming before us day after day. The docket is going to always be full.

So, I appreciate this opportunity to make these remarks. I do not know if Mayor Marbut or Judge Reese have any comments they would like to make.

Mr. CONYERS. Well, I would like to hear from them.

Mr. Mayor, welcome. What would you add to this discussion?

Mayor MARBUT. Mr. Chairman, thank you for this opportunity to speak before this committee.

I am mayor of the city of Carson which is adjacent to the city of Compton. We are one of the participating members of the Compton judicial district. We voted unanimously as a city council to participate in this, what we considered a worthwhile program. Some 2 years ago, we employed a safety director and instructed him to fully cooperate with the Compton judicial district in the program that we considered to be worthwhile. We have done that for the continual existence of this program. We initiated, at about that time, a block club, citizen participation program in the city of Carson. We now have some 2,700 citizens actively involved in this program. It is still increasing. It is still growing within the city of Carson.

We entered this program, enthusiastically, because in every census that we have taken in the city of Carson crime has been the one major issue that the citizens are most aware of and are most interested in. To now come to the point where there is the possibility that this program will not continue is indeed a shock to us. I think it is going to be a shock to the citizens who have participated in this program, if this program is not carried on, because we see good coming out of this program. We see some benefits to the citizens and to the cities that are involved in the program. So, I think it would be a tragedy if the funds were not forthcoming, because I am fully convinced that if we are going to effectively approach this problem, we have to get everybody involved in the act, not only the judges from their point of view, not only the council from their point of view, but the citizens of the city must also be involved in this program. So, I can say we are fully behind it. We support the program and we are seeking ways in which we could continue the promises that were made to us when this program was initiated. And, we can go back to our respective cities and give them the encouragement that this program is going to be forthcoming.

Thank you very much, Mr. Chairman.

Mr. CONYERS. We appreciate your remarks.

I welcome an old friend, Judge James Reese, municipal court judge.

Judge REESE. Thank you, Mr. Chairman. It is certainly an honor and a pleasure to appear before your committee and we wish to thank you for the opportunity.

I am a new judge, comparatively speaking. I went out to Compton in August of last year. I have found, since August, that this is a

people's court we are talking about. It is a municipal court, and its lawyers, et cetera, you know, are under the jurisdiction of the municipal court, the Compton area is about 80-percent black, that is the city of Compton. We have three other cities over which we have jurisdiction. Lynwood has about 40-percent Mexican American, about 30-percent black, and the balance white. Carson, I think, is about 50–50, it is changing. But, the problem that we found here is this, I am sitting in jury trials; each week there are two or three of what we call interfering with an officer, not that they are charged, just interfering. And, then, usually when the evidence comes in, the judge has an 11–08 to dismiss it, because what is being tried is that some citizen was bold enough to express what he thought was his rights, so he is arrested for interfering. I will not go into any details, but the analyses of the cases will bear out what I have said. It is frustrating when the judges of court merge with the leaders of the communities which the court is serving and attempt to formulate some policy and attempt to form some organization to help stem the crime wave and to be met with frustration after frustration.

The way the meeting ended yesterday was this; file your application and make your commitment, simply file your application and then we will see what can be done. But, you might as well know now, there is little, if not any, money available.

I would imagine Compton is typical of the inner cities of America. As Mr. Mayer has said to you, there are many homes boarded up, not only homes but apartment buildings, whole tracks of them. And, yet, in our community and the Los Angeles area, just a week and a half ago, the "L.A. Times" carried an article where juveniles were sleeping on floors in juvenile hall.

What we want to do through this project is not spend an inordinate amount of time and money filing applications, making plans, and, then, in the final analysis, be rejected or in the final analysis be given money that would be considered safe money.

In fact, the attitude of LEAA reminds me of the poverty program with which I was associated with back in 1965. There was this theory of maximum citizens and community participation. It was a theory, but the moment the citizens or the persons who were being served by the pilot program actually got into the act, much criticism was made by the power structure, the unsophisticated, the dishonest. No help was really given for the program that was designed for failure, and it is obvious that the LEAA program is designed only to strengthen the police departments of America, and to streamline the process of sending through the legal factories persons from freedom to jails and especially minorities.

We have some projects which we would like to be funded which we know will be difficult to have funded. There is no earthly reason why many more black and Mexican-American and other minority high school seniors would want to be police officers or members of the sheriff's department, but Los Angeles, and again I say Compton in particular in the country, had a program which would encourage minorities to join the fire department, the police department, and so on. And, recently, they had 160 applicants who were accepted for the academy, that is, for the fire department. Of this 160, 102 were minorities, black and Mexican-Americans.

Upon completion of the training course, 100 failed, 60 passed—30 whites, 30 minorities. I do not think it is that difficult to become a police officer or a fireman. We figure that if we can get some funds, train the high school applicants who want to be police officers, keep the officers who have retired, give them job training, just as we had when we finished law school, the crash courses to enable you to pass a bar, let's train some of these youths to pass that examination and to get through these academies. I mentioned this to Mr. Mayer, and he said, "You know, you will have the police department down on your head." He was correct.

We feel that we have a challenge there in Compton and we want to do some meaningful social work there if we are allowed to do so. We hope that in any way your committee can aid and assist us, that you can do so.

Thank you very much for the opportunity of speaking before you.

Judge SHEPARD. Mr. Chairman, I would like to point out that each of the cities are still currently strongly in support of what we are doing 2 years downstream, which I think is significant if you can keep that kind of interest with the kind of frustration that we have had, because I think they recognize that there has to be the kind of planning to really do something about crime, and we are still hopeful, and we are looking to LEAA for assistance. We are willing to cooperate and work with them in any way, and we hope that is reciprocated although we are not so sure exactly what their position is at this time.

Mr. MAYER. Mr. Chairman, if I may, I have one final comment. I think it is extremely important to remember that this is an unusual set of circumstances in that it is a situation where a Federal agency has come to a community and initiated a concept. It is a similar type of experience that Governor Brown has referred to in the past where a bureaucratic organization comes in, raises expectations and then withdraws. The judge referred to transcripts; I have them with me, I would be happy to leave them for the committee.

I would like, if I may, to refer to just one part of the transcript on March 22, 1974, almost 2 years ago to the day. There was a major meeting held at Compton City Hall attended by well in excess of 100 different people throughout the county of Los Angeles, and I have a list of the people who attended as well.

Charles Work at that time was Deputy Administrator of LEAA and made a following statement in part:

> I want to talk about the notion that the Administrator, Don Santarelli, and I have been talking about all across the country. I will talk a bit about the relationship in a moment. The notion I want to have you take with you, and the notion I do not want anyone to forget, is the notion that this is central to what we are kicking off today, that is, the notion of partnership.
>
> At this table is a truly symbolic gathering of those concerned with Criminal Justice problems—nationally, regionally, within the State, within the region of the State, within the city of Compton. This kind of partnership is what is going to make this particular idea here in Compton a success. Without this kind of partnership it will not work. This partnership is essential and crucial to what we at National Headquarters hope to accomplish.
>
> So, if you remember nothing else said by me this afternoon, remember that it is this notion that interests us in this project.

He went on to talk about lasting commitments, about long-term efforts, about very hard work. We have remembered the commitment of the partnership notion, and we believe that we have complied

with our half of the partnership. And, we have found that when we called upon the new Administrator of LEAA to honor the commitments made by the prior Administrator, that the partnership notion no longer existed.

Yesterday Mr. Velde stated at this meeting, which was attended by several Members of the House, that he did not feel there was any commitment by LEAA because nothing had been in writing, and no specific dollar amount had been reached.

Mr. CONYERS. Well, what we want to do is follow, first with interest, the situation that has been raised here so articulately by you all. The problem that I see lurking in the back of your testimony is how many other Comptons might there be throughout the United States. We inadvertently came on this situation. But beyond the question of how many Comptons are there, how many citizens groups are there in the country that no one did come to,t hat they well could have come to in addition to your area and did not, and who cannot, through the bureaucratic process, get into the partnership business in fighting crime in their community.

It seems to me that this is the critical consideration of the function of the Law Enforcement Assistance Administration. That is what makes your testimony here very important to our proceedings.

Mr. McClory?

Mr. MCCLORY. Thank you, Mr. Chairman.

We are just going to have a few minutes here, I think, because they want to get a quorum call very, very shortly, and we will probably all have to leave at that time. So, I appreciate your statements, and also your oral observations here.

This is an application for a discretionary grant.

How much is the application for?

Judge SHEPARD. Well——

Mr. MCCLORY. Or, approximately how much?

Judge SHEPARD. Well, here is what has happened. We had told them orally that we need 2 years of planning money, approximately $100,000 or $150,000 a year. So, we are talking about $250,000 or $300,000 that we feel will be adequate for the planning unit. But, the problem behind that is it does not do us any good to do expensive planning if LEAA is not going to keep any kind of commitment regarding action funds. And, that is the nub of the problem.

Mr. MCCLORY. Do you have an estimate of the action fund need?

Judge SHEPARD. Well, I do know we could use very substantial amounts of money, but what they were talking about is we were going to do the planning first.

Mr. MCCLORY. Yes, but are we talking about $10 or $1 million?

Judge SHEPARD. Well, I think it would take $3 or $4 million per city, so we are talking about, I think, $10 or $12 million to do the kinds of things that we originally talked about.

Mr. MCCLORY. Per year?

Judge SHEPARD. No, no. We are talking about in terms of the action overall, in terms of the action programs.

Mr. MCCLORY. We have placed the limit on the amount of discretionary funds—you know—15 percent for one thing, and then a dollar limit as well. So, it is part of our responsibility, and not just theirs.

Judge SHEPARD. But he still has discretion to determine what the priorities are, and that is where our disagreement with it is.

Mr. MCCLORY. Oh, well, yes, he has 50 States and he has a limitation percentagewise and dollarwise. Now, have you tried this?

I had the experience of a project. It is sort of a major project in my district where they needed additional funds and we found that the State allocation if it is not used, if it is not all used and some of the applications do not materialize and they do not even call on the funds, then that excess can be distributed by the State.

Judge SHEPARD. With Federal approval?

Mr. MCCLORY. Yes, I guess with Federal approval, the regional director's approval. Now, have you thought about that?

Judge SHEPARD. Yes, we discussed that in detail with him yesterday. We asked him for a commitment that if there are some reversionary funds, could they be earmarked and put aside, and he said "No".

Mr. MCCLORY. Well, would that have the approval, though, of the State?

Judge SHEPARD. We have full cooperation and approval of the State office of criminal justice planning. We have been in constant contact with them. They have a letter asking that they fund our unit. So they are in full support, and if there are any funds that are reversionary that Mr. Velde would approve, I am sure the State would be happy to earmark them.

Mr. MCCLORY. In looking over the overall project it seems to me to be a very important type project. However, one part of it, the last part, intrigued me a little bit, and that was some kind of a citizen extra-legal tribunal which would interview people and sort of decide whether are they criminally involved or not.

Has that caused any community controversy?

Judge SHEPARD. Well, we have not dealt with or developed such a project, although Mr. Mayer is more familiar with these kind of things than I am, so I will let him respond to it.

Mr. MCCLORY. Well, all I want to know is has that caused controversy?

Mr. MAYER. Mr. McClory, that is modeled after the Columbus-night prosecutor program which was recognized by LEAA as one of their exemplary projects.

Basically what it is, is to avoid heady disputes between parties that would otherwise result in criminal complaints being filed to be dealt with by citizens settlement panels. We have not had the opportunity to implement that yet, but that is one of their exemplary projects that we would like to try to start.

Mr. MCCLORY. You know in the juvenile field there are some people that feel the juveniles ought to be treated informally and not brought into the courtroom. And the other side says they have to be brought in and have a counsel and to have a full-dress trial. So, I just wondered whether there was any controversy.

Judge SHEPARD. In fact, if I could say also, A lot of the prosecuting attorneys in the city of Los Angeles where you get into family and neighborhood disputes, people come down and they will file a complaint and then they will never testify. So, they have a hearing officer process, where they run it through that before they ever get the whole system geared up to be sure that it is something substantive. That is the kind of thing we are talking about.

Mr. McCLORY. Your regional agency, it is a recognized regional agency by the State?

Judge SHEPARD. Yes, sir.

Mr. McCLORY. You do not have a conflict there?

Judge SHEPARD. No.

Mr. McCLORY. I yield back the balance of my time.

Mr. CONYERS. I think this has been very helpful to us, as our colleague from Illinois has indicated. We want to follow the ultimate disposition of this matter. I think that by having come here to testify today, you have helped enormously in that respect.

Thank you very much, gentlemen. The subcommittee stands adjourned.

[Whereupon, at 12:09 p.m., the subcommittee adjourned, subject to the call of the Chair.]

APPENDIXES

Appendix A

Remarks by Members of Congress on Bills Before the Subcommittee on Crime

Appendix A–1

Remarks of Hon. James H. Scheuer, a Representative in Congress from the State of New York

1. We are all aware of the dismal statistics on the increase in crime, and how these figures affect one of our most vulnerable groups of citizens, the elderly. A recent Harris Poll indicates that the elderly rank fear of crime as one of their most serious problems. In cases of purse snatching, strongarm robbery (muggings) and residential burglary, older persons are very often the victims. The rate of personal larceny with body contact is higher for persons over 60 than for the population at large; women over 65 are more than six times as likely to be robbed than are other persons; more than half of all robbery victims are women over 55; and half of the victims of crime who are over age 60 suffered physical injury as a result of those crimes.

The elderly are especially vulnerable to criminal fraud, to practices like medical quackery, fraudulent land sales, phony investment, retirement insurance and home repair schemes where they are victimized far out of proportion to their population numbers.

The impact of crime goes beyond mere numbers and cannot be judged only by the data in crime statistics files. Financially and physically, the older person is least able to cope with the loss of injury resulting from a criminal act.

As Alice Brophy, Commissioner, New York City Department for the Aging testified before the House Select Committee on Aging in January of this year:

"Older people tend to have diminished strength and stamina and are thus less able to defend themselves or to escape from threatening situations.

"Older people are more likely to live alone, increasing their vulnerability to attack, and they are more likely to live in or near high-crime areas and are, therefore, in close proximity to those most likely to victimize them.

"Older people are dependent upon walking or the use of public transportation for mobility, thus increasing their chances of becoming street crime targets.

"Their habits are often regular and systematic, thus offering a reliable timetable for attack.

"The date of receipt of their pension, social security and SSI checks are well known, offering the criminal still more incentive to attack.

"And older people are also particularly susceptible to certain types of crime such as fraud and confidence games."

Not only are older people singled out as objects of criminal intent to a greater degree than other people but the effect of victimization upon them is in general far more devastating than upon the younger people. Because an older person is more likely to have a reduced or low income, the impact of even a small financial loss through crime is relatively greater for him than for a younger person. A cash loss for an older person can actually mean his food and shelter money while such a loss for a younger person may mean only the postponement of a pleasureable purchase.

Secondly, because of the greater physical fragility of an older person, he is more easily injured in an encounter, his injuries tend to be more severe and he recovers more slowly—if at all.

The impact of criminal victimization on older people, however, is not confined solely to financial loss and physical injury, as dreadful as these can be. The social and psychological impact of victimization on the elderly can be as, if not more, severe than economic deprivation and physical impairment. The fear of becoming a victim has a disastrous and handicapping effect on the daily life of an older

person. Aware of his vulnerability, he restricts his freedom of movement in his own community, thus affecting his quality of life and depriving himself of a basic American right.

This self-imposed isolation and imprisonment is particularly important because first, it affects *All* older people, both those who have actually experienced victimization and those who see themselves as potential victims. And, second, the support services, recreation, and the nutrition program, become unattainable for those who are afraid of becoming victims of crime and thus remain in their homes.

2. Thirty of my colleagues have joined me in introducing a bill that would amend the Omnibus Crime Control and Safe Streets Act of 1968 to require that each state plan forwarded to LEAA for funding and approval contain provisions for attention to the special problems of prevention, treatment and other aspects of crimes against the elderly.

Programs to help reduce the incidence of crimes against the elderly, to educate elderly citizens about realistic ways to avoid victimization, to reduce criminal opportunities, to alert the elderly to real dangers and at the same time dispel imagined fears, do exist. They have been tried under different auspices, in different parts of the country. Some can be duplicated; some need to be modified according to the particular situation in each state. Many do not require large outlays of fund. What is required is a mandate to the states to focus their attention on this problem. Then both tried and new techniques can be tested.

It is not necessary to yield to feelings of despair, to complain that nothing can be done to protect our elderly. Several of our national senior citizens associations, notably the American Association of Retired Persons and the National Retired Teachers Association have developed program guides and material specifically geared to this issue which certainly can be useful to the state. Here are some ideas which they have developed which might be included in a State plan:

Educational programs are sorely needed to give elderly persons the feeling that in some measure they can control what happens to them, in relation to frequently committed crimes, such as street crime, burglary and fraud. For each of these categories, the AARP/NRTA has devised educational programs using speakers, booklets, films and other techniques, giving concrete programs and directions for individuals and groups. These include: Crime checks and neighborhood watch groups; property identification and inventory measures; witness preparation and directions for behavior on the stand; and home security measures and hardware which is available.

Among the elderly there are groups needing even more particular kinds of attention and education. These include the deaf, the handicapped, the non-English speaking. Again there are techniques available for working with these groups; States need to focus their efforts on these people in their LEAA programs.

3. There are more general areas relating to crimes against the elderly which need to be explored. Data collection on victimization of elderly people is incomplete. Few police departments keep information on the age of victims; more need to be encouraged to do so.

There is a need to train law enforcement personnel on the special problems of the elderly as potential victim, as victim, as witness, and as crime preventor. Police need to view the elderly as partners with them in such efforts as community patrols, telephone contacts, neighborhood "eyes and ears," etc.

In New York City, the Office of the Aging in its Bronx affiliate has cooperated with the Bronx Foundation for Senior Citizens and police officers from the local precincts in a continuing crime education and service program for the elderly which well might serve as a model for other parts of the country. Police from the precinct come regularly to the office to advise and counsel the elderly, singly or in groups in ways to avoid being robbed, or swindled, and what to do when criminally approached. A brochure has been published and distributed which offers common-sense advice on street behavoir, when entering apartments or elevators, when being approached about purchasing an item, or signing a contract for some service or goods.

The elderly themselves can be trained to do many of these tasks, to function in an educational capacity. The possibilities are boundless. What is needed is the will, the federal mandate to involve the states with the problem. This amendment provides that mandate.

APPENDIX A-2

STATEMENT BY HON. SPARK M. MATSUNAGA, MEMBER OF CONGRESS FROM HAWAII

Mr. Chairman and members of the Subcommittee, I appreciate this opportunity to offer testimony on the alarming problem of crimes committed against our nation's senior citizens.

As members of this Subcommittee may know, I serve as chairman of one of the Subcommittees of the House Select Committee on Aging. Over the past several months my Subcommittee and one other have held a number of hearings on criminal victimization of the elderly. Testimony has been received from witnesses, both experts and elderly people, and it is evident that crime against the elderly is a complex matter that requires a great deal more attention than it is now receiving at the federal level.

A recent Harris poll shows that elderly people in the United States view crime as their single most serious problem. Although persons of all ages are affected by increasing crime, the elderly, because of their vulnerability, are particularly victimized. According to the most recent National Crime Panel Survey Report, issued for the year 1973, the victimization rate for crimes against persons aged 65 and over is 31.6 per thousand for the country as a whole. This means that out of 22.4 million senior citizens in the United States, almost 700,000 are victimized each year. Alice Brophy, Commissioner of New York City's Department for the Aging, testified before my Subcommittee on Federal, State and Community Services that in her city alone, 41 per cent of all elderly have been, at some time, victims of a crime. It is important to remember that these data are compiled using only reported crimes. According to criminal victimization surveys in our nation's five largest cities, approximately 50 per cent of all crimes against the aged go unreported, because of the senior citizen's fear and/or inability to contact the proper authorities.

The majority of crimes committed against older persons can be considered crimes of "opportunity." Elderly people are usually viewed by criminals as easy targets, because of their relative inability to resist most forcible attacks. They often live alone, in relatively high crime areas, and as a result are exposed to extensive criminal victimization. Their poor eyesight, coupled with fear, also makes the elderly relatively unreliable witnesses in court, giving the criminal yet another advantage.

Data compiled by the Federal Bureau of Investigation in its Uniform Crime Report show that daytime residential burglaries increased 337 percent between 1960 and 1970. These types of robberies particularly affect older persons, because of their relative inability to deter a burglar even if they are at home. Since the elderly often have little money, they cannot afford decent security devices for their homes such as deadbolt locks and secure window fastenings. To make matters worse, housing in high crime areas has not been constructed with elderly people's problems in mind. Apartment buildings with single entrances are often not properly guarded, thereby allowing would-be criminals to harass elderly occupants. It is very easy for an inexperienced burglar to force his or her way into one of these residences, steal what he or she can, and leave, without much fear of resistance or eventual apprehension.

Aside from muggings and robberies, the aged are also victims of a much ignored crime, the confidence game. My Subcommittee held hearings on this subject in New York City in January. We learned from the head of the Pickpocket and Confidence Squad of the New York City Police Department that in 1974 $5.5 million was reported stolen in con games in the City. Because elderly people are often lonely and have nobody to advise them, they are easy prey for skillful con artists. One recent case involved two men who had swindled $400,000 from rich elderly widows in a single six month period. One woman alone had surrendered about $300,000 in money, jewels and stocks. Although these men were caught, we learned that arrests result in only one in five reported con games in New York City.

Excessive crime against the elderly has serious implications. Because an older person is more likely to have a reduced income, he or she is more affected by a loss of financial resources. Often this loss includes money necessary for survival. Second, because the aged are more physically vulnerable, they tend to suffer more severe injuries when attacked. The result is a sense of fear felt by almost every older person in this country. The elderly are more susceptible to crime, and less

able to do anything about it, so they retreat into self-imposed isolation. Not only does this imprisonment deprive older Americans of a fundamental right of citizenship, but it removes them from any type of community activity or service. In effect, fear of criminal victimization turns the older person into a second class citizen.

Mr. Chairman and members of the Subcommittee, most of the crimes against the elderly that I have been describing are not federal crimes. It is state and local criminal statutes that are being violated. But I believe the Federal Government has a positive duty to help insure a higher degree of safety for the elderly. The Law Enforcement Assistance Administration has granted discretionary funds for this purpose to 15 states and the District of Columbia. Most of these efforts have been quite successful, but fairly limited in scope. Until we are willing to address ourselves to the nationwide problem of crime against the elderly, substantial progress will not be made.

Therefore, I have introduced legislation, H.R. 12366, which would have LEAA require state planning agencies to include in their annual requests for block grant funds, provisions for the prevention of crime against the elderly. Already, seven states—Indiana, Maryland, Missouri, New Jersey, New York, Ohio and Oregon—have done this voluntarily. They have encountered very few problems, I understand, in distributing the LEAA funds, and have shown that crime against the elderly can be combatted on a planned, statewide basis. If we can translate this into a nationwide effort, we will assure the elderly greater protection against crime.

I urge the inclusion of H.R. 12366 in whatever extensions of LEAA's authorization are eventually approved by this distinguished Subcommittee.

Thank you very much.

Appendix A–3

Statement of Hon. James Abdnor, of South Dakota

The need for law enforcement assistance administration

Mr. Chairman, members of the Judiciary Subcommittee on Crime, I welcome the opportunity to submit testimony concerning the effect L.E.A.A. has had on rural America.

I am cognizant of the rapid rise in crime across the nation, and sympathize with elected officials and law enforcement personnel concerned with high density crime on the local level.

However, my district and the state of South Dakota are no longer isolated from this frightening dilemma. Rural areas are experiencing rapid increases in crime; areas which not long ago merely heard about crime in the media.

The public often expresses its sentiment for better law enforcement. However, the public often fails to see the underlying causes for inefficient or ineffective law enforcement.

In spite of the best efforts with very limited resources, law enforcement in South Dakota, especially in rural areas, must be termed woefully inadequate. The need for improving law enforcement in South Dakota has been brought to the forefront by the high crime rate that has perplexed this country and which has now reached my state. Many of the local officials and law enforcement agencies in rural communities were caught ill-prepared for such a rapid increase in crime.

Law enforcement agencies, like any other institution, must adapt to our changing society, and constantly strive to update their equipment and techniques or become outdated and ineffective.

The public, for a long time, ignored law enforcement agencies' needs in terms of increased personnel, training and functional components to make a more efficient and effective criminal justice system.

Now, the criminal justice system is, and has been, in the process of attaining these needs. Perhaps this will be a never ending cycle. However, an effective and progressive system must be continued in order to maintain a strong, viable, and healthy society.

This conception, along with the Omnibus Crime Control and Safe Streets Act of 1968, was the primary impetus for the initial funding of L.E.A.A.

L.E.A.A. is a rather new program, and like anything in its infancy, has made its mistakes. However, L.E.A.A. has had a beneficial effect on South Dakota's criminal justice system.

The extent or degree that states and the nation as a whole have benefited from this infusion of funds has been a center of controversy for quite some time. It would be difficult to assess the impact L.E.A.A. has had on deterring crime or other intangible factors related to the criminal justice system.

However, L.E.A.A. has been a very effective mechanism in my rural Congressional district in bringing many small county and local law enforcement agencies together, and allowing these bodies the opportunity to plan and coordinate their efforts. While it may be difficult to see tangible benefits from this fusion of local governments at present, I believe progress has been made, and more importantly, the groundwork for future development is being firmly laid.

Hopefully, this will result not only in better communications among governments and local law enforcement agencies, but an awareness of each other's problems, thereby allowing for more effective and cooperative methods and procedures to be developed. This then provides a more effective and efficient criminal justice system.

L.E.A.A. has also given many small communities the opportunity to acquire basic police equipment which they otherwise would not have been able to obtain. While I agree that police equipment in itself is not the answer to fighting crime, it is imperative that these needs are met. One thing inherently dangerous in funding in the equipment area, is the possibility of purchasing equipment either not needed or little utilized.

However, the quality of criminal justice planners, and criminal justice commissions along with their increased experience gained by their association with L.E.A.A., has provided a good mechanism whereby each grant application is carefully screened and is justified on its merits.

This is as it should be, and demonstrates the capability of local units of government to determine their needs best.

One can also see the emphasis changing to better training for personnel and other programs related to quality improvement within the criminal justice system itself, rather than the quantitative items purchased at its outset. While it was necessary to acquire a certain amount of equipment in order to improve the system functionally, the healthy change in trend towards maximizing the potential of personnel, and updated programs is very significant and noteworthy.

L.E.A.A. has also been the impetus in starting new programs that the community was unable to initiate due to financial reasons or a previous lack of attention. Examples of this are youth center activities and efforts concerning abused children and their difficulties. Often the start-up money was the biggest factor delaying a project from originating. However, once a project was funded, and its usefulness and effectiveness brought to the public's attention, the program or project was able to stand by itself through either state or local funding.

Combined county-wide law enforcement is a very good example of this situation. A sparsely populated county would be able to "pool its resources" with the initial help of L.E.A.A. funding, and thereby achieve a more efficient system within that particular county. One such county in my district has already initiated this innovative project and several others are exploring this concept. Several other counties within South Dakota have also utilized this concept.

L.E.A.A. is one organization in South Dakota that is not only aware of existing problems in the criminal justice system, but is in a position to act constructively. This is true whether it be with the courts, police departments, or corrections.

I do believe, however, that there must be a greater emphasis placed on the evaluation and monitoring of programs. These evaluations will be instrumental into gaining a greater perspective of what programs are useful and what programs are not.

This information must then be disseminated in such a manner, thereby allowing other parts of the state as well as nation, an idea of successful programs and what programs are not working. This information will allow responsible individuals the opportunity to incorporate those standards into the planning of future projects.

Mr. Rosenbaum, Michigan State Senator, noted in earlier testimony the need for greater input into L.E.A.A. by state legislatures on a state level. I think this perhaps is a wise observation. On various occasions the state will continue funding a project in which L.E.A.A. funds have expired.

Therefore, it would be quite beneficial if the state legislatures were made much more aware of these projects and their intentions at the outset. This would allow state legislatures to better determine the continual justification of such a project if they had originally been informed of that project's intention, rather than being asked to carry the financial burden several years down the road after the program had already been initiated.

The factors attributable to crime are numerous and complex. Law enforcement agencies alone will not be capable of resolving this dilemma. Economic conditions, social values, and especially the breakdown of the family has created a condition which government alone will not be able to remedy.

Therefore, I believe the states and local communities should continue to have the flexibility now afforded them through the block grants approach. Crime is a local problem, and local officials have the greatest opportunity to gain insight into their needs and thus establish priorities in appropriating expenditures.

In conclusion, I have no final and clear cut answers for the crime dilemma, or even the best approach to take. I can only state that terminating L.E.A.A. will do nothing to help solve the dilemma.

While I do not believe that money alone is the only way t remedy a situation, I feel L.E.A.A. is pursuing a proper avenue. It simply must be tuned to a more effective degree, and I think this will result in light of earlier testimony brought before this judiciary subcommittee. We perhaps have lost a few skirmishes, but a united and continued effort on the part of this nation will eventually result in a winning effort in the war against crime.

Thank you.

Appendix A–4

Statement of Hon. Charles B. Rangel (D–NY)

Mr. Chairman, I am grateful for the opportunity you have given me to appear before your subcommittee so that I might submit my views regarding the Law Enforcement Assistance Administration's (LEAA) civil rights compliance activities. I commend the subcommittee for taking the time out of its busy schedule to conduct hearings into the civil rights enforcement effort of LEAA, for there appears to be an urgent need to assess what in fact that agency is doing to carry out its statutory mandate in light of the recently published adverse reports and the American Civil Liberties Union's pending litigation against LEAA. For reasons stated hereinafter, I urge the subcommittee to impose restrictions on LEAA's existing authority and make clarifications with respect to those powers.

In 1973, the Crime Control Act of 1968, under which LEAA was created, was amended (Section 518(c)) largely through the efforts of our colleague, Congresswoman Barbara Jordan, to clarify LEAA's enforcement power regarding civil rights compliance. That section requires mandatory rather than discretionary fund termination when LEAA finds that an LEAA recipient is in noncompliance with Title VI of the 1964 Civil Rights Act or the civil rights provisions of the Crime Control Act. Thus the Congress has imposed upon LEAA the most stringent statutory civil rights mandate among the federal enforcement agencies for ensuring nondiscrimination in its federal assistance programs.

However, this attempt by Congress to make clear to LEAA that it is to utilize and give preference to its administrative enforcement powers rather than its traditional reliance on judicial remedies has been blatantly disregarded. Even though the Jordan amendment has been law for more than two years, LEAA has not issued regulations which reflect a change in its existing policy preference for litigation over fund termination. A clear example of LEAA's unlawful resistance to its statutory mandate is exhibited in its response to my letter sent to that agency in January of last year regarding the civil rights activities of LEAA. One of my inquiries concerned LEAA's resolution of the complaints which it had investigated where there had been a finding for the complainant. LEAA provided me with a summary of the actions that were taken where a finding for the complainant was made. Out of the ten cases listed, half of those ten referred to the Department of Justice for litigation while the remaining five were resolved through voluntary compliance or not resolved at all. LEAA's record in implementing the mandatory fund termination provisions of the Jordan amendment is far from good.

LEAA's unlawful regulatory preference remains in effect today. LEAA recently proposed regulations indicating a change in that policy after the ACLU initiated its suit. Those proposed regulations have not yet been adopted. Meanwhile, LEAA's refusal to utilize its enforcement powers is in effect making the federal government a party to the discrimination which pervades our criminal justice system. Our taxpayers' dollars cannot be funneled in this discriminatory manner, and I appeal to the subcommittee to initiate at the close of these hearings positive steps to address the unlawful activity of LEAA.

I recommend that Congresswoman Jordan's proposed amendment to the 1968 Crime Control Act be given immediate and favorable consideration. Her amendment addresses one of the primary issues which LEAA has taken advantage of as an excuse for delaying its enforcement powers. LEAA has refused to take action against discriminatory agencies if a suit is pending against such agencies. The Jordan amendment would in effect direct LEAA to initiate proceedings against any agency found in noncompliance, notwithstanding any litigation simultaneously pending against it. Moreover, the amendment requires the discriminatory agency to submit post-review reports stipulating the progress that has been made toward correcting its noncompliance activity. Currently, LEAA has no mandatory post-review mechanism of the type proposed in the Jordan amendment. I have only addressed two of the solutions proposed in Congresswoman Jordan's amendment for the sake of brevity, but I wish to communicate my strong support for the amendment in its entirety.

In regard to LEAA's noncompliance with Title VI and the civil rights provisions of the Crime Control Act in general, several areas are lacking the requisite supervision and direction. Of primary concern is LEAA's major focus on the compliance activities of large recipients. While it is commendable that LEAA is attempting to utilize its resources in the most economical manner, LEAA must also concentrate its energies toward "smaller" recipients. It is often in the latter class of recipients, made up of smaller cities and rural areas, where discrimination is widespread, and if allowed to go unchecked, this has an effect just as malignant and oppressive as the discrimination practiced by the larger jurisdictions. Thus, it is not effective civil rights compliance for LEAA to concentrate its resources on the more visible recipients of its funds to the detriment of those who suffer equally from the discriminatory patterns of those agencies receiving a lesser amount of federal assistance.

LEAA's complaints of insufficient civil rights compliance staff is indeed a problem that many federally funded programs share. However, LEAA has not utilized the abundant resources available. LEAA has contracted with outside specialists to assist the State Planning Agencies (SPAs) in its development of technical assistance for civil rights training of personnel. Certainly, LEAA's workload could be drastically reduced if it were to require that the SPA's themselves conduct pre-award and post-award compliance reviews in addition to complaint investigations. There is evidence that some of the SPAs have taken it upon themselves to asume this function. However, LEAA does not demand that the SPAs do so, nor does LEAA give full faith and credit to those SPA findings. Rather, LEAA causes delay in the implementation of compliance activity by requiring its approval before SPAs can undertake enforcement action. If LEAA were to issue standards by which the capabilities of the SPAs might be assessed, duplication and delay could be avoided. Currently, no such standards have been employed.

LEAA is deficient in a great many other areas of its civil rights compliance activities. As a result of its inaction to correct those problems, it is clear that further legislative action is required to reemphasize our determination in the Congress that the Law Enforcement Assistance Administration implement an effective compliance program to prevent discrimination in federally-funded criminal justice-related activity. The new Jordan amendment should be considered and acted upon by this subcommittee to provide this congressional response.

Appendix A-5

Statement by Congressman James V. Stanton, D-Ohio

Mr. Chairman, three years ago, when legislation to extend the law enforcement assistance program for state and local government was last considered, I appeared before this Subcommittee to express my deep concern over the manner in which the dollars intended for crime-fighting purposes were being handled by the massive federal-state-substate governmental apparatus that was established pursuant to the Safe Streets Act of 1968. Although the Act sought to avoid creating Federal bureaucracy and red tape by placing the main responsibility for distributing funds to local governments upon the states, I found that the states had responded by creating their own bureaucracies and extremely complicated procedures, thus delaying the flow of funds to local police departments, courts, and corrections systems. In addition, in many cases, those areas with the most severe crime problems were not receiving a fair share of the funds.

In an effort to remedy these problems, I joined with my colleague from Akron, Congressman John Seiberling, in introducing a bill to amend the law enforcement assistance program, the proposed Emergency Crime Control Act of 1973. This bill would have sped the flow of funds to the large cities by doing away with state control over their crime-fighting efforts, and entitling them to a sum certain to spend as they saw fit, with the only condition being that the city and county leaders join together to decide how the funds were to be spent.

I regret that this Subcommittee chose not to incorporate this approach in the bill to extend the Safe Streets Act it approved that year. While the bill enacted in 1973 included some improvements in the law enforcement assistance program, the aspects of the program which I considered to be its most serious deficiencies went unchanged.

I believe the performance of LEAA over the past several years affirms the criticisms of the program that Congressman Seiberling and I made in 1973, and the need to amend the program in line with the concepts embodied in the Emergency Crime Control Act. In fact, I believe the major concept of that bill—that local officials, who are in the front lines of the war against crime, should have maximum control over the aid provided by this program—should be expanded to include officials of local governments in smaller cities and rural areas, and not alone those in the large cities.

The serious shortcomings of the present system for distributing LEAA funds have been well described by other witnesses appearing before this panel. For example, the representative of the U.S. Conference of Mayors-National League of Cities explained, "When federal funds arrive at the state, they are immediately divided into functional categories, program descriptions, subgrant contracts, sub-functional and sub-program designations, etc. With the exception of a few states, SPAs do not allow localities to apply for funds on an annual block grant basis. Even when a city or a county has had its plan approved by the state, it must still apply for funds to implement the plan on a piecemeal, time consuming project-by-project, category-by-category, program-by-program basis."

The National Association of Counties stated that as a result of this process, most local agencies must now wait 12 to 18 months to receive funding on grant applications, and it estimated that if grant applications could be approved locally 4 to 6 months' time could be saved. And as the Advisory Commission on Intergovernmental Relations explained, delay in spending the funds is not the only problem: "Officials of large counties and cities have contended that at the local level planning frequently takes place in a vacuum, because the amount of funds available for new projects is difficult to determine and that too much time must be spent developing and defending individual applications. To these observers, the costs associated with obtaining Safe Streets funds may outweigh the benefits derived from such aid. In the Commission's view, steps should be taken to remove the procedural bottlenecks in the program and reduce administrative costs."

To these comments, I would add, Mr. Chairman, that just as the 1968 Act recognized that all wisdom on how to reduce crime does not reside on the banks of the Potomac, so we should now recognize that it does not reside in the 50 state capitals. While no one can state with any certainty what the causes are, and how crime should be dealt with once it occurs the fact is that the credentials of both the federal government and the state governments in this area are extremely limited, for neither has experience in, nor the major responsibility for, fighting crime on the streets. It is the local governments, the cities and the counties, which have this responsibility, and I contend that the purpose of the law enforcement assistance program should be to encourage the diverse elements of the criminal justice system—police, courts, and corrections—to work together as a unit, and to provide them with the funds they need to undertake programs which they, drawing on their unique experience and first-hand knowledge, believe will be effective in stemming crime.

The 1973 Act included a first step toward granting local governments the authority over LEAA funds that they deserve in the so-called Kennedy amendment. This amendment provides that states shall permit local governments in urban areas—those of 250,000 population or more—to submit a single plan which would be funded with one block grant, rather than requiring them to apply for funds on a piecemeal basis. However, in addition to the limited applicability of the Kennedy amendment to only the largest cities, the Advisory Commission on Intergovernmental Relations has pointed out the problem that the amendment does not specify that once a plan is submitted and approved, no further state level review and action on individual applications is required. Thus if a state chooses, it can make block funding for the cities into a sham by requiring the

project-by-project review which the amendment was intended to avoid. For these reasons, the League of Cities-Conference of Mayors found in its 1975 study that 71 percent of the local officials surveyed indicated that the Kennedy amendment had produced no change in local administration of the Safe Streets funds.

Thus Mr. Chairman, again, I urge in the strongest possible terms that the law enforcement assistance program be amended so that the decisions on how to spend these funds will be made by local officials. Specifically, I propose that each county, urban as well as rural, be made eligible to receive a block grant of funds from the state, and that this grant be made to each county upon the satisfaction of only two requirements: the law enforcement and criminal justice officials of the county, and the cities and towns within that county must come together to form a unit which will decide how the funds will be spent; and this unit must submit to the state a plan for the use of these funds. With regard to the second requirement, I would make clear that the mere submission of a plan satisfies the requirement; no state review or approval of the plan would be necessary. Thus the time consuming process in which state officials decide what is best for each local area would be eliminated, as would that portion of the state planning bureaucracy which now makes these decisions.

I recommend that the amount of money each county would be entitled to be determined by a formula. In this way, the local officials would know about how much money they will be receiving, and they will be able to plan accordingly. I believe a formula which allocates the funds on the basis of the population and the crime rate within the county, with the crime factor being weighed twice as heavily as population, would be an appropriate one for this program.

I stress the involvement of small towns in this program, because although most crimes are committed in the large cities, the suburban and rural areas are now suffering a spiraling increase in crime. In 1974, for example, crime in the large cities went up 12 percent, but in suburban and rural areas, it went up 20 percent. Some rural counties might find it more efficient to combine their law enforcement efforts for the purpose of this program, and as an incentive for combining in this manner, those who do combine should be given an allocation in addition to their formula allocation.

Thus, Mr. Chairman, these are my views on how the law enforcement assistance program can be streamlined, and reformed, so that it can better achieve its purpose.

I realize that questions may be raised concerning accountability for the spending of Federal funds under the concept I have advocated. To these questions I reply that the local officials will be accountable under this program to the citizens of the community, and the people will judge them, not on how well they follow any set of regulations or guidelines on how funds should be spent, but on results. Knowing that significant amounts of their Federal tax money has come to the community to help fight crime, they will look to see whether the crime situation has improved, and if it has not, they will ask, why not? Having been an official of a city government for over ten years, I can tell you that the people usually hold local officials to far stricter standards than any bureaucrat, federal or state, ever did.

Appendix A–6

Statement by Congressman Martin Russo

Mr. Chairman, I would like to thank you and the other members of the Subcommittee for the opportunity to appear before you today. I have been following with interest your extensive hearings on the reauthorization of the Law Enforcement Assistance Administration. (LEAA) Today I would like to comment on the need for a permanent witness assistance office within LEAA. I believe that witness assistance programs are an essential tool in our fight to reduce crime in this country. Only with the active participation of our citizens can the criminal justice system bring this tremendous problem under control.

As the Subcommittee is undoubtedly aware, the job of battling street crime cannot be accomplished by state governments alone. Unfortunately, in this time of fiscal difficulty, many states are reducing appropriations for new programs to aid law enforcement officials. This underscores the need for an infusion of federal funds to support innovative programs designed to reduce criminal activity. The main purpose in creating LEAA eight years ago was to provide states with the necessary money to modernize their law enforcement and judicial programs.

Many important steps have been taken toward this goal and I believe that the establishment of witness assistance centers will be another giant step in that direction.

My particular interest in witness assistance programs stems from my tenure as an Assistant State's Attorney in Cook County, Illinois. In this capacity, I participated in one of the busiest criminal court systems in this country . . . and had the opportunity to view firsthand the overwhelming caseload of an urban prosecutor. A prosecutor who is unable to inform a witness of courtroom procedure, describe in detail what will be required of the witness, or even to tell him any of the details surrounding the pending case. Regrettably, as a result, some witnesses never learn of the particular disposition of the case in which he was involved—even when he or she was the victim. The system needs to "coddle" the witness—not the suspect—with kindness and service.

In most instances, the urban area prosecutor's office is dreadfully overworked and does not have the resources to keep witnesses as informed as is needed. This is especially true in the area of trial delays. But, these citizens, who are supportive of the judicial system and American values, need this vital information. Often they miss days of work, must find someone to care for their children and overcome difficulties in merely finding transportation to and from the courthouse only to learn from the District Attorney that the case has been rescheduled or that the defendant has entered a guilty plea and the witness' services will not be necessary. Such situations are unconscionable.

Recent reports from law enforcement agencies indicate that witnesses of crimes are increasingly hostile to court appearances for the government. Studies show that witnesses intentionally give policemen false names and addresses, fail to identify suspects whom they have previously identified and, also, fail to appear in court on the date scheduled for trial of the case. All of these factors point to a distrust of the system by the average citizen. The basis of their distrust comes from hearing that many criminals receive inadequate jail sentences after conviction. We must reverse the trend now or the distrust will continue to grow. Failure to reverse the citizen's waning faith in the criminal justice system will eventually bring the system crashing down.

Appalling as this sounds, the studies also indicate that some of the fault resides within the system itself. The recently published INSLAW study reports that many times policemen on the scene of the crime incorrectly record a witness' name or address. Or, the officer may ask the information within earshot of the suspect. Knowing the liberal bail bond laws of this country, the witness thus feels intimidated and may either refuse to give his name altogether or state a false one. Changes in these techniques would be included as part of the witness assistance program to insure that witnesses would not "disappear" before trial.

As a starting point for the correction of these various problems, I suggest that a permanent office within LEAA be created to initiate, evaluate and help states implement witness assistance programs. The states would not have to implement statewide witness assistance offices but only establish them in those districts where a heavy judicial caseload indicates. I have introduced this suggestion as part of a larger legislative package which would include a victims of crime program and funding for witness fees in state criminal trials. At this time the Criminal Justice Subcommittee is in markup on victims of crime legislation and I firmly believe that these two ideas will go hand-in-hand toward bringing these disaffected people back into the system.

Witness assistance centers should have the sole responsibility for keeping witnesses abreast of changes in court dates, providing information on courtroom procedure, etc. Small services such as arranging transportation or parking facilities for witnesses; babysitters; and comfortable waiting areas separate from defense witnesses and defendants will give the witnesses a felling the system "wants" them. These centers will provide a great benefit to the criminal justice system at a minimal cost to the taxpayer.

In closing, I would like to commend the LEAA for initiating this series of programs to aid witnesses, and indirectly, the courts. LEAA's work in citizen participation areas may well prove to be the most fruitful of any program it has funded in its short history. But, the time has come for Congress to realize the value of these programs and to insure that they are given adequate funding to grow and to be strengthened through the legislative process.

APPENDIX B

REPORTS OF THE U.S. GENERAL ACCOUNTING OFFICE ON THE ADMINISTRATION AND MANAGEMENT OF THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

APPENDIX B-1

DIFFICULTIES OF ASSESSING RESULTS OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION PROJECTS, MARCH 19, 1974

REPORT TO THE CONGRESS

Difficulties Of Assessing Results Of Law Enforcement Assistance Administration Projects To Reduce Crime B-171019

Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on the difficulties of assessing results of Law Enforcement Assistance Administration projects to reduce crime.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO	General Accounting Office
HEW	Department of Health, Education, and Welfare
LEAA	Law Enforcement Assistance Administration
SPAs	State planning agencies

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

DIFFICULTIES OF ASSESSING RESULTS OF LAW ENFORCEMENT ASSISTANCE ADMINISTRATION PROJECTS TO REDUCE CRIME

Department of Justice B-171019

D I G E S T

WHY THE REVIEW WAS MADE

Between fiscal years 1969 and 1973 the Federal Government, through the Law Enforcement Assistance Administration (LEAA), awarded about $1.5 billion to finance over 30,000 projects of State and local governments designed to prevent or reduce crime.

LEAA funds for these projects are distributed as block or discretionary grants. State planning agencies generally determine further disbursement of these funds to specific programs in the criminal justice system--police, courts, or corrections.

LEAA was one of the first agencies the Congress established to operate a block grant program.

GAO wanted to know if management had taken appropriate steps to find out, if possible, whether the projects had helped to prevent or reduce crime.

FINDINGS AND CONCLUSIONS

Common difficulties were involved in trying to assess results of the four types of LEAA projects GAO reviewed.

LEAA and the States have established no standards or criteria by which some indication of success or failure of similar projects can be determined. To develop such criteria, comparable data on the operation and results of similar projects is needed.

Although LEAA encouraged States to evaluate their projects, LEAA did not take steps to make sure comparable data was collected. Thus, information for similar projects was not adequate or comparable.

The following examples from the four types of projects reviewed--alcohol detoxification centers, youth service bureaus, group homes for juveniles, and drug-counseling centers--illustrate the difficulty of trying to assess the effectiveness of LEAA projects.

Alcohol detoxification centers

An expectation of the centers GAO reviewed was that their short-term treatment approach might have some positive impact on the "revolving-door" pattern of the chronic public drunk.

About 70 percent of the patients being treated at the three centers previously had been patients. The readmission rates were about the same despite significant differences in costs and services provided.

However, without criteria as to what acceptable readmission rates might be, neither GAO, the States, nor LEAA can state whether the projects were effective. (See ch. 3.)

Youth service bureaus

These are to provide services to keep youths who have a high potential to commit crimes from doing so. One basic way to find out if the projects are doing this is to gather behavior data on the youths.

Only one of the three LEAA projects reported such data. It showed that only 15 percent of the young people served during a 1-year period who had court records got into trouble after contact with the project. Data developed by GAO for another project, however, showed that 43 percent of the youths who had court records were referred to juvenile court after contact with the project.

The first project appears to have been more successful, but, without standard ranges of expected success rates, neither GAO, the States, nor LEAA can determine the success of the youth service bureaus.

Group homes for juveniles

These homes are to provide a family environment in a residential setting where a youth's problems can be treated and corrected. Data GAO developed showed that 45 percent of youths were released from these homes for poor behavior; 65 percent had problems which resulted in referral to juvenile court once they left the homes; and 36 percent were sent to penal or mental institutions after release.

Are such percentages acceptable? Until LEAA and the States establish criteria there is no adequate basis for determining success or failure. (See ch. 6.)

Drug-counseling centers

These centers sought to rehabilitate youthful drug abusers and prevent youths from taking drugs. One center kept no data on former use of drugs by participants or the extent of their change in drug use after participating in the counseling centers because participants feared this information would be provided to law enforcement officials. Another drug-counseling project developed data on the drug use habits for about 45 percent of its participants but based its conclusions entirely on participants' oral statements and the staff's opinion on their progress. (See ch. 4.)

Evaluation reports inconsistent

Because adequate evaluation criteria did not exist, evaluation reports on the projects were inconsistent and generally did not provide sufficient data to allow management to make objective decisions regarding project success.

Evaluation reports on the three detoxification centers focused on different aspects of the centers' operations and used different techniques.

One report described in detail the operations of the center and tried to compare its operations to the operations of another project even though the two projects' treatment philosophies differed significantly regarding the extent of medical services to be provided.

A report for another project assessed primarily the adequacy of the project's facilities and staff and sought patients' and police

department views of the project's usefulness and success.

The evaluation of the third center developed quarterly statistics concerning patients and what happened to them. But the information in the quarterly reports was inconsistent, which reduced the value of the reports as indicators of the project's results. (See ch. 3.)

Evaluations of the youth service bureaus also varied. Studies of one project developed information primarily concerning the extent of community support for the project. A study of another project consisted primarily of interviews of project staff and certain participants, randomly selected, to determine whether they thought the project influenced them to stay out of trouble. No objective data was reported on the project's effect on participants.

The evaluation report of the third project, however, contained subjective and objective data indicating the project's impact. (See ch. 5.)

Similarly, the evaluation on only one of the juvenile group homes presented data adequate to indicate the project's effect. Evaluation of another project presented data showing where the participants went after leaving the home but did not disclose whether they subsequently got into trouble and were referred to juvenile court. The evaluators of the third project solicited views of participants and staff through questionnaires. (See ch. 6.)

Recent LEAA actions

In the fall of 1973 LEAA began to plan programs to improve its ability to evaluate LEAA-funded projects. A separate evaluation unit was established in LEAA's National Institute of Law Enforcement and Criminal Justice to develop evaluation strategies.

The National Institute also started new projects to provide States with information on how they may want to operate and evaluate certain types of projects. However, LEAA has not mandated any requirements that the States standardize the type of data they collect for similar projects.

One issue involved in LEAA-financed programs is determining the type of leadership the responsible Federal agency should provide to insure program accountability for Federal funds spent by the States. The actions LEAA has taken are not adequate to establish systems necessary to provide the Congress with such accountability.

RECOMMENDATIONS

The Attorney General should direct that LEAA, in cooperation with the States, designate several projects from each type of LEAA-funded program as demonstration projects and determine information that should be gathered and the type of evaluations that should be done in order to establish, for similar projects, the following.

--Guidelines relating to general goals, the type of staff that could be employed, the range of services that could be provided, and expected range of costs that might be incurred.

--Uniform information.

--Standard reporting systems.

--A standard range of expected accomplishments that can be used to determine effectiveness.

--Standardized evaluation methodologies that should be used so comparable results can be developed on the impact.

In developing the standards, LEAA should coordinate its efforts with those of Federal agencies funding similar projects.

On the basis of the standards developed from the demonstration projects, the Attorney General should direct LEAA to:

--Establish an impact information system which LEAA-funded projects must use to report to their States on the effectiveness of their projects.

--Require States, once such a system is established, to develop, as part of their State plans, a system for approving individual project evaluations only when it can be determined that such efforts will not duplicate information already available from the impact information system.

--Publish annually for the major project areas results obtained from the impact information system so the Congress and the public can assess LEAA program effectiveness.

GAO also suggested certain information that could be gathered to indicate the impact of the types of projects it reviewed. (See pp. 56 and 57.)

In developing information on the impact of projects, LEAA must arrange the data so the confidentiality of the individual is protected.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with the conclusions and recommendations regarding the need for greater standardization of goals, costs, types of services, and information to be collected on similar projects so better evaluations can be made.

However, the Department did not agree with the recommendations that the way to implement the needed improvements was to have LEAA ultimately establish general criteria regarding each item. (See app. I.)

The Department believes it is inconsistent with the philosophy of the "New Federalism," as defined by the Administration, for LEAA to require the States to adopt such guidelines. LEAA plans to continue to encourage the States to evaluate their programs and to disseminate to them information on projects' operations and results as written up in various LEAA publications.

However, the information in such publications is generally not comprehensive enough to provide an adequate basis for developing comparable data to develop standards and criteria.

GAO does not believe the Department's proposed methods for carrying out the recommendations will insure that the same general guidelines and criteria are applied to similar projects so effective evaluations and adequate national accountability can be achieved.

GAO believes that its recommendations for LEAA to establish general criteria for the grant projects and to require States to adopt such criteria are consistent with the concern of the Congress that LEAA provide

more leadership so information on the program's success would be available. (See pp. 60 to 62.)

The States reviewed agreed with GAO's conclusions and recommendations and noted that they would be helpful in improving their evaluation efforts.

MATTERS FOR CONSIDERATION BY THE CONGRESS

Although the Crime Control Act of 1973 requires the Administration to provide more leadership and report to the Congress on LEAA activities, the Department of Justice's responses to GAO's recommendations indicate that LEAA's action will not be consistent with the intent of the Congress.

Therefore, GAO recommends that the cognizant legislative committees further discuss this matter with officials of the Department.

CHAPTER 1

INTRODUCTION

Between fiscal years 1969 and 1973 the Federal Government, through the Law Enforcement Assistance Administration (LEAA), awarded about $1.5 billion to help State and local governments fund over 30,000 projects to prevent or reduce crime. Have the projects been effective? In many cases it is too early to know because they have been operating for only a few years. However, to answer the question, certain steps, such as defining project goals, have to be taken.

To determine whether the steps have been taken to make such assessments, we reviewed 11 projects--alcohol detoxification centers, youth service bureaus, group homes for juveniles, and drug-counseling centers--in Kansas, Missouri, Oregon, and Washington. We asked:

--Whether standards and goals had been established to determine if the projects were successful.

--Whether evaluations of the projects were useful.

--What LEAA has done to help State and local governments determine project impact.

We also determined, to a certain extent, whether the projects had helped the participants.

Establishing a sound basis for assessing the effectiveness of social programs is necessary but frequently difficult. The problem is compounded in LEAA's program because of the number of projects funded. Yet, most of the projects (1) have the same goal--to prevent or reduce crime, (2) involve one or more elements of the criminal justice system--police, courts, or corrections, and (3) deal with participants who either have been involved with the criminal justice system or are likely to become involved with it if they are not helped. Accordingly, certain criteria could be applied to most LEAA-funded projects to assess their impact. By examining closely a few projects, we (1) identified specific difficulties in trying to assess impact which we believe are inherent in most LEAA-funded projects and (2) developed a basis for recommending ways to improve program operations.

PROJECT FUNDING

The Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701), LEAA's authorizing legislation, encouraged the funding of projects that involved new methods to prevent or reduce crime or that strengthened law enforcement activities at the community level. The Crime Control Act of 1973, which amended the 1968 act, extended LEAA's existence until 1976 and reemphasized that legislative intent.

The legislation provides for State planning agencies (SPAs), established by the Governors, to manage the Federal funds provided by LEAA. SPAs must develop State plans to indicate how they will try to prevent or reduce crime. This plan, when approved by the LEAA Regional Administrator, is the basis for Federal grants to the State. LEAA therefore must establish regulations and guidelines necessary to carry out the purposes of the act; SPAs must determine what projects will be funded and are to seek advice from local or regional planning units in developing their plans.

LEAA project funds are awarded as either block or discretionary grants. Block grants are awarded in total to SPAs who determine the further distribution of the funds to programs and subgrantees. Discretionary grants are made according to criteria, terms, and conditions determined by LEAA; can be awarded to specific groups on the basis of LEAA-approved applications; and are to

--advance national priorities,

--draw attention to programs not emphasized in State plans, and

--afford special impetus for reform and experimentation.

SPAs carry out their plans primarily by awarding funds to subgrantees, usually other State agencies, local governments, or nonprofit organizations, to implement specific projects. All subgrantees must adhere to LEAA and SPA regulations and guidelines in carrying out their projects.

SCOPE OF REVIEW

The projects reviewed were selected because they had been operating for several years and appeared similar in

operations and funding levels to other projects in the selected States.

To assess the projects' operation and determine the problems of determining their effectiveness, we (1) used statistical data on the impact to the project if it had been gathered in evaluation studies of the projects, (2) used data recorded by project operating staff if it was relevant to assessing impact, and (3) gathered additional data, primarily from court records.

We also determined the extent to which goals were uniform and quantified for similar projects and, to the extent possible, compared the results of similar projects, to determine impact. To assess LEAA's role, we reviewed LEAA's headquarters operations and the work of LEAA regional staff in Kansas City, Kansas, and Seattle, Washington. We did our fieldwork between October 1972 and May 1973.

CHAPTER 2

LACK OF STANDARDS: THE BASIC PROBLEM

In 1967 the Task Force on Juvenile Delinquency of the President's Commission on Law Enforcement and Administration of Justice stated that hundreds of different types of juvenile delinquency prevention projects were not only plausible but were being tried out. The task force stated that the overwhelming need was to find out how well the projects worked, to stop funding those that did not work, and to give greater support to those that did. It noted that evaluations done to date were not adequate to draw conclusions as to the merits of similar projects. The task force stated:

> "Evaluation is presently done program by program. Each evaluation starts from its own premises, considers its own class of effects, develops its own indicators of success, follows up for its administratively feasible length of time. It is an almost impossible task to compare results. * * * If we are to find answers to policy questions of national scope, ways will have to be found to focus attention on common central issues. * * * The relevant Federal group can identify key questions regarding prevention programs, specify the types of indicators that would mark success, and perhaps indicate the time interval over which effects should be observed. The local evaluators, project-based or in universities or research centers, would be free to pursue whatever other outcomes they were interested in. But, somewhere in the research scheme, they would collect data on the identified issues. The data would be comparable across projects, and out of 20 or 30 or 100 projects, conclusions would emerge of major import."

The above quote is still appropriate when reviewing steps LEAA and SPAs took to develop information on projects' impact. The difficulties of evaluating LEAA-funded projects stem largely from LEAA's failure to provide adequate leadership in developing the systems necessary to produce impact data so project results can be compared. LEAA has encouraged

evaluations but has not established or suggested criteria to measure results. Neither has LEAA identified the type of data that should be collected so results could be compared.

A standard range of acceptable accomplishment rates is necessary to evaluate project success. Quantifiable goals for specific projects indicate the project planner's intentions but cannot be used to compare the project's success to similar projects unless the goals for all are similar and similar data is collected for each project.

LEAA guidelines for 1972 Comprehensive State Plans stated that:

> "Program and project evaluation is necessary as a basis for updating and revising future plans, and to gauge success of implementation. Too little is known about the degree to which current projects and programs have been effective * * *."

The guidelines defined "evaluation" as answering whether

--the grantee accomplished what it said it would,

--the project contributed to the SPA's goals and objectives, and

--the project had side effects.

The guidelines then required that States consider and select one of the following alternatives for evaluating projects the SPAs funded:

--Evaluate 15 percent of the total number of subgrants awarded in fiscal year 1972.

--Evaluate 15 percent of the total dollar value of subgrants awarded in fiscal year 1972.

--Evaluate all the subgrants awarded in one program area.

The guidelines, however, did not suggest any standards or criteria to insure that comparable data would be obtained so the results of the evaluation studies could be compared.

For example, should LEAA or SPAs consider detoxification centers effective if they prevented 40 percent of their patients from being arrested for drunkenness for 60 days after release from the center? Should the percent be 60 or the number of days be 30? Without obtaining comparable data from similar projects, LEAA cannot develop the baseline information necessary to establish success standards.

Merely requiring evaluations is insufficient. LEAA must consider how the evaluations can be standardized so SPAs and LEAA can objectively develop strategies for allocating their resources.

RECENT LEAA AND SPA ACTIONS TO IMPROVE EVALUATIONS

In the fall of 1973 LEAA began to plan efforts to improve its ability to evaluate the results of LEAA-funded projects.

In response to the congressional mandate in the Crime Control Act of 1973 that LEAA strengthen its evaluation capability, LEAA plans to:

--Strengthen SPAs' capabilities to design and implement project evaluations by providing more technical assistance to them.

--Improve the SPA evaluation coordination to permit evaluators to comprehensively report on the overall results by expanding the National Institute of Law Enforcement and Criminal Justice activities.

--Develop a nationwide system for collecting and analyzing operating data generated in implementing LEAA-funded projects.

To implement these plans over the next fews years, LEAA has made several organizational changes. LEAA established

--a separate evaluation division in October 1973 in the National Institute of Law Enforcement and Criminal Justice to evaluate LEAA's programs and

--an office of planning and management in October 1973 to oversee the development and implementation of comprehensive LEAA and SPA evaluations.

Other actions which LEAA has taken or has proposed to take are noted in the Department of Justice comments on this report. (See app. I.)

Two SPAs reviewed have also tried to improve their evaluation capability by developing standards for certain types of projects. Missouri has established standards for planning, organizing, and administering group homes and requires that certain information be collected on each participant's activities. Washington is developing a standard information system for group homes. Washington also has recently approved guidelines for youth service bureaus that set forth basic functions that youth services should offer, organizational models, and minimum statistical data that each youth service bureau must develop.

These actions are in the right direction, but without LEAA leadership and guidance there is no guarantee that the Missouri and Washington systems will be compatible either with each other or with systems other SPAs may be developing. LEAA guidance and direction are essential if nationwide data is to be gathered on project effectiveness.

CHAPTER 3

ALCOHOLIC DETOXIFICATION CENTERS

Detoxification centers are an alternative to placing drunks in jail (drunk tank). Are centers successful? To find out, it is necessary to compare the results of the operations of similar centers against success standards.

When LEAA started funding detoxification centers, it had the opportunity to establish an information system that could have been the basis for developing treatment standards and criteria for projects it funded. Such standards could have been established while still providing sufficient flexibility so the centers could respond to particular local conditions.

LEAA, however, has not gathered adequate data from LEAA-funded projects and has issued no guidelines on the range of services LEAA-funded detoxification centers should offer, the average per patient costs that should be incurred, or the long-term benefits that alcoholics should realize from going to such centers.

NEED FOR CENTERS

In 1971 a consultant task force for the National Institute on Alcohol Abuse and Alcoholism reported that about 9 million people in the United States have serious alcoholic problems: 5 million are chronic addictive alcoholics and 4 million drink so much that their jobs are affected or their health is impaired.

The skid row alcoholic, the most visible victim of alcoholism, constitutes an estimated 3 to 5 percent of the chronic addictive alcoholics. Alcoholics account for about one-third of all arrests reported annually nationwide. In 1971 the Federal Bureau of Investigation estimated that 1.4 million arrests were for public drunkenness. Many of these actions involve the repeated arrest of the same persons, reflecting the familiar pattern of the revolving-door alcoholic--intoxication, arrest, conviction, sentence, imprisonment, release, intoxication, and rearrest.

In 1967 the Task Force on Drunkenness of the President's Commission on Law Enforcement and Administration of Justice recommended that communities establish detoxification units

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as part of their comprehensive treatment programs. The task force believed the establishment of detoxification centers was the best alternative to traditional methods (such as drunk tanks) of handling intoxicated offenders and a prerequisite to revising existing laws so that being drunk in public could be considered an illness rather than a crime. The task force believed the centers should provide not only a "dry out" period but should also provide such therapeutic and aftercare programs as

--physical examinations;

--emergency units for treating acutely intoxicated persons;

--transportation to hospitals if advanced medical care was necessary; and

--supplemental aftercare community activities, such as those provided by Alcoholics Anonymous, local missions, and housing and employment counseling centers.

LEAA funds have helped establish or maintain alcoholic detoxification centers so police departments will not have to care for drunks and police officers can deal with more serious law enforcement matters.

PROJECTS REVIEWED

We reviewed three detoxification centers: Alcoholic Recovery Center, Portland, Oregon; the Kansas City Sober House, Kansas City, Missouri; and the Seattle Treatment Center, Seattle, Washington. The Portland and Kansas City centers were in skid row; the Seattle center was 2 miles from skid row. All three centers, however, treated primarily the skid row alcoholic. This is to be expected since skid row is the major location where persons are picked up for public drunkenness.

Each project has received the following funds for its operations:

	Total grant budget	LEAA funds Amount	LEAA funds Percent of total	Months of operation	Grant period
Kansas City	$253,664	$170,000	67	24	5-71 to 5-73
Portland	688,677	407,301	59	21	10-71 to 6-73
Seattle	962,322	385,090	40	18	7-71 to 12-72

The goals of these projects were to reduce the number of public drunks arrested and jailed and to help the patients cope with their alcoholic problems so they could eventually become rehabilitated and not be a burden to themselves or society. The police officer brought the drunk to the center without arresting him. If the center refused to admit the drunk because of his belligerence or the lack of room or if he refused to remain at the center, he was usually arrested and jailed.

Other admissions could be made by the alcoholic himself, outreach workers, or other treatment agencies. Centers retained the chronic alcoholics for 3 to 5 days and offered various therapeutic techniques. The alcoholic's participation was essentially voluntary even if the police brought him to the center. The purpose of the procedure is to dry out the alcoholic, build him up physically, begin social rehabilitation, and return him to the community under circumstances favorable to his efforts toward increased sobriety. The centers hoped that a short-term treatment might have some positive impact on the revolving-door pattern of the chronic public drunk.

How serious can the revolving-door problem be? The following case histories of five patients treated by the Seattle center illustrate the problem.

Patient	Time period	Number of admissions
1	March and April 1972	City jail, 6 Seattle project, 3
2	March and April 1972	City jail, 3 Seattle project, 4
3	March and April 1972	City jail, 5 Seattle project, 2
4	March and April 1972	City jail, 5 Seattle project, 4
5	March 1972	City jail, 4 Seattle project, 2

The three centers had significantly different costs. Seattle costs were $43 a day per patient, Portland costs were $25, and Kansas City costs were $23. The length of stay at the centers ranged from an average of 2.6 days to 4.1 days, and the cost per patient stay varied from an average of $60 in Kansas City to $146 at Seattle.

The major difference in cost was attributed to the difference in the medical services provided, the number of supporting personnel employed, and the cost of providing the facility. Seattle had a large medical staff--6 part-time doctors, 1 full-time doctor, and 14 registered full-time nurses. Portland had doctors as part-time consultants and 6 registered full-time nurses. Kansas City had one consulting physician and one registered full-time nurse. Each patient entering the Seattle center was given a complete medical examination. Registered nurses in Kansas City and Portland evaluated patients' medical problems upon admission but did not ask doctors to examine patients unless they appeared ill.

Rental costs and total staffing at the centers were as follows.

	Average monthly rent for facility	Beds	Paid staff	Paid staff per bed
Kansas City	$1,335	55	14	0.25
Portland	600	50	34	.68
Seattle	[a]6,433	59	82	1.4

[a]Rent ranged from $5,000 to $10,300.

LEAA has no guidelines regarding the amount of medical services to be provided at a detoxification facility, the type or number of staff to be employed per patient, or the amount of rehabilitative services to be provided by detoxification centers funded with LEAA funds.

PROJECT EVALUATION

Given the lack of guidelines as to what constitutes detoxification centers and as to what evaluations should consist of, what type of evaluations were made of the three projects? We had to assess the adequacy of the evaluations before attempting to comment on the impact of the projects. A detoxification center can best measure its effectiveness by establishing quantifiable goals, gathering statistics in like measurable units, and comparing outputs with goals.

None of the three centers had outlined measurable quantified goals that related to the problems they were attempting to diminish. Each project, however, did quantify service delivery goals. Kansas City planned to treat 3,600 annually; Portland, 2,500 during its first year of operation; and Seattle, 8,700 annually.

The three subgrantees did not identify quantified goals, such as (1) the percentage or number of patients who should be rehabilitated, (2) the percentage or number of patients who should be referred to follow-on treatment facilities, and (3) the number of patients who stop drinking or maintain periods of sobriety.

Grant applications for LEAA funds should include a section that contains the grantee's criteria and project evaluation plans. The evaluation component in the nine applications[1] for the three alcohol centers reviewed did not describe the criteria or evaluation plan.

LEAA's 1971 SPA guide stated in relation to grant application evaluation components or plans:

> "Evaluation is simplified if the subgrantee application contains clear and quantifiable statements of the expected results of the project. These statements should include both input measures (e.g., numbers of addicts treated) and output measures (e.g., numbers of addicts rehabilitated)."

[1] Project applications usually request funding for 1 year or less. Since each of the three projects had been funded for more than 1 year, each project had submitted at least two applications.

Neither LEAA nor the SPAs assisted the three projects in developing methods to insure acceptable evaluations.

The first two grant applications of the Kansas City project did not specify grant goals, statistics to be kept, or an evaluation plan. The last two grant applications contained goals to be evaluated, such as the police time reduced in processing public drunkenness cases, the number of cases to be handled by the municipal court, and the number of persons sentenced to the city's correctional institution. However, no criteria were given stating how many patients were to be rehabilitated or referred to aftercare facilities.

The evaluation plan of the two Portland grants stated only that Portland State University would evaluate the grants. Because a contract award condition was placed on the subgrantee to revise the evaluation component and get SPA approval, the university provided a general outline to be used for the project's evaluation. The SPA had also recommended that the SPA evaluation specialist be involved in the project but did not solicit his advice or present the evaluation procedure for his approval.

The evaluation plan of the three Seattle grants essentially consisted of one paragraph. It stated that an evaluation would be done by the Seattle-King County Alcoholism Commission. Neither input nor output measures were stated.

Inadequate evaluations

Independent evaluators evaluated the three detoxification centers. The Seattle-King County Commission on Alcoholism evaluated the Seattle project; Portland State University, the Portland project; and representatives from another detoxification center, the Kansas City project. Two Seattle project evaluators monitored and worked weekly, whereas the other two projects' evaluators made one annual evaluation. Evaluation results showed that each of the three centers needed improvements. However, the three evaluations examined different aspects of the centers' operations and used different evaluation techniques. None of the evaluations developed followup data on patients so LEAA could determine the centers' impact or compare the projects' effectiveness.

Kansas City

The Kansas City evaluation report described in detail the operations of the nonmedical project but compared the methods of the Kansas City project to those of a St. Louis medical detoxification project, rather than concentrating on determining whether the Kansas City project was achieving its objectives. For example, the evaluation report criticized the project because it did not have comprehensive medical services, but the report did not demonstrate that patients in the Kansas City project received less than needed care. The report also recommended improving the staff and services offered patients.

Project officials objected to the report, noting that it ignored one project purpose--to show that alcoholics do not need attending medical staff during the sobering-up period. Because of controversy over the report's usefulness, no followup was made on patients.

Portland

The Portland center evaluation, completed in September 1972, covered the first year of the project's operation and included

--assessing the project's goals and objectives, facilities, personnel, and evaluation procedures;

--determining police department and follow-on treatment center views of the usefulness and success of the project; and

--comparing the Portland center's administrative practices with those of three other detoxification centers in the country to determine if such things as goals, admission procedures, and staff arrangements were similar.

The evaluation primarily described the center's activities and presented limited statistical data on the impact of center services on patients treated. SPA officials said the evaluation report was too general, had limited statistical data to support its conclusions, and made no recommendations to correct deficiencies it noted.

For example, the report noted that the center, because of inadequate funding, had not developed followup information to indicate whether such services as outreach or counseling had an impact. The report, however, stated that followup was not done during the evaluation because of the cost and mobility of the population group and did not suggest ways that the center might develop such data.

Although quarterly and subsequently monthly progress reports were submitted to the SPA on project activities, the reports mainly described what the project was doing and how many patients it was treating. The reports did not say how much the center helped patients.

Seattle

The Seattle-King County Commission on Alcoholism did a continuous evaluation using methods the commission and the project staff developed. SPA officials did not participate in the evaluation planning.

The evaluation team gathered quarterly statistical reports concerning the number of patients admitted each month, the number of alcoholics brought in by the police, the occupancy rate of the beds, the number of patients referred to follow-on treatment facilities, and the number of patients released with approval of the project's medical staff or transferred to a hospital for additional medical treatment.

The team did not gather followup data on released patients to determine if they had changed their drinking habits. The quarterly reports, however, varied in both the information cited and the manner presented. The lack of consistency reduced the value of the reports.

PROJECT EFFECTIVENESS

We attempted to determine the extent to which the projects were achieving their goals so we could provide some indication of the success achieved and the type of standards that could be developed to evaluate a project. To the extent possible, we used the findings of independent evaluators or the information collected by the projects. Often, however, we had to develop our own data to determine the project's impact. Two of the three projects achieved certain

goals, but all three projects had little success in reducing the revolving-door problem.

Data from Kansas City and Seattle indicated that the projects had varying degrees of success in achieving the goal of reducing the number of arrests for public drunkenness. In Kansas City, the number of police arrests for drunk-in-public offenses decreased 39 percent between calendar years 1970 and 1971 and an additional 14 percent between 1971 and 1972. However, the number of similar arrests in Seattle between 1970 and 1971 decreased by 1 percent but increased by 9 percent between 1971 and 1972.

We could not obtain comparable data for the Portland project because Oregon law stated that after July 1, 1972, public drunkenness and drinking in public were no longer criminal offenses. However, in the 9 months preceding July 1, 1972, police arrests in Portland for these offenses decreased 31 percent when compared with similar arrests in the same 9 months a year earlier.

Another means of determining the impact of the detoxification center is to determine the rate and frequency of readmission for drunkenness. Detoxification centers should try to develop programs to help break the revolving-door cycle.

A generally accepted definition of "readmission" is that the patient has been admitted previously to the center. No time limit is usually considered in determining readmission rates. The longer the project has been operating, the more people have been admitted; thus, there is a greater potential for readmitting previous patients.

The three projects had been operating between 1 and 2 years when we gathered the following comparable readmission data in January 1973.

Centers	Readmission rates January 1973
Kansas City	69%
Portland	71
Seattle	73

Are these rates acceptable? LEAA has not issued any standards noting a range of acceptable readmission rates. Therefore, we cannot state whether the readmission rates are excessive.

Another measurement of detoxification centers' impact is the extent to which centers got patients enrolled in follow-on treatment programs once they leave. Without such treatment, it would be very difficult to break the revolving-door cycle.

Most patients were referred to private homes, hotels, missions, or other nontreatment facilities. Available records of the three projects listed the number of patients referred to follow-on treatment facilities as follows:

	Months covered	Patients	Patients referred to follow-on treatment facilities	
			Number	Percent
Kansas City	22	6,669	1,750	26
Portland	15	4,940	408	8
Seattle	10	4,589	1,025	22

The centers did not compile statistics on the number of patients who actually enrolled in follow-on treatment programs after being referred to them.

Although the detoxification centers may not need information on a patient's progress once he leaves, SPAs should work with the centers to develop such data to determine which, if any, follow-on facilities are having a positive impact and are breaking the revolving-door cycle.

Conclusion

Were the three centers effective enough to be considered successful? It is difficult to say because no standards have been established. Although the three centers varied widely in costs and services provided, generally their achievements varied little. The data developed on the impact of the three centers cannot be compared with data on the operation of similar centers to determine relative effectiveness because neither LEAA nor SPAs have collected such information.

However, the information does indicate that the centers have a significant problem in trying to eliminate the revolving-door pattern, even though they have reduced police involvement.

CHAPTER 4

DRUG-COUNSELING PROJECTS

Drug-counseling projects are established in local communities to assist drug abusers who request help. LEAA has established no criteria on what services should be provided by such projects, what type of staff should be used, or what results should be expected from drug-counseling projects. No reporting format exists to obtain adequate and comparable data from similar projects.

Significant variations in the activities of drug-counseling projects reviewed and the lack of data on their impact illustrate the problems in trying to assess their effectiveness.

WHY DRUG-COUNSELING PROJECTS ARE NEEDED

The National Commission on Marihuana and Drug Abuse stated in its second report to the President and the Congress[1] that, for most of the past decade, the need to solve the drug problem has been a recurrent concern of the public and that drug use may be related in part to the apparent increase in crime and other antisocial behavior. It stated further that the drug problem has resulted in serious inquiry into the causes for drug use, in a massive investment of social efforts to contain it, and in a mobilization of medical and paramedical resources to treat its victims.

LEAA has participated in attempts to reduce drug problems by providing funds to State and local governments for increased investigation and apprehension capabilities, drug research, and drug abuse prevention and rehabilitation programs. LEAA estimates that it spent about $189 million between fiscal years 1969 and 1973 on such programs. Some of the LEAA funds have been used for locally planned and operated drug rehabilitation and education projects.

Until 1973 LEAA did not restrict the type of drug projects it would support with either discretionary or block

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[1]"Drug use in America: Problem in Perspective," U.S. Government Printing Office, March 1973.

grants. In June 1973 LEAA issued guidelines discontinuing the use of its discretionary funds for drug treatment and rehabilitation projects which served persons other than those in penal institutions. LEAA adopted this policy primarily because the Drug Abuse Office and Treatment Act of 1972 designated other agencies, such as the Department of Health, Education, and Welfare (HEW), as having primary responsibility for funding projects to educate the public about drug abuse and to develop programs to prevent it.

LEAA did not change its policy of allowing SPAs to determine the type of projects they fund with block funds. SPAs therefore are still funding drug treatment projects to prevent, decrease, or stop drug abuse through education and counseling. These projects generally are not geared to cope with the "hard drug" user that requires medical assistance.

PROJECTS REVIEWED

We reviewed drug-counseling projects only in Kansas and Missouri; Oregon and Washington SPAs did not fund drug-counseling projects when we began our work unless they served persons in the correctional system. These States adopted this practice primarily because other organizations, such as HEW, were funding such projects. Many other SPAs, however, continue to fund drug-counseling projects similar to the ones we reviewed in Kansas and Missouri.

We reviewed the Narcotics Service Council juvenile treatment project, called NASCO West, in St. Louis County, Missouri, which received its first LEAA grant in February 1971, and the Drug Intervention Group project in Johnson County, Kansas, which received its first LEAA grant in June 1971. The St. Louis project was still receiving LEAA funds at the time of our review, but the Kansas SPA stopped funding the Johnson County project on December 31, 1972, because the project was poorly managed and the community did not support it. The St. Louis project had received about $177,000 in LEAA funds as of April 1973, and the Johnson County project, about $171,000 as of December 1972, when it was terminated.

The basic objectives of both projects were to rehabilitate youthful drug abusers and prevent youths from taking

drugs. Both projects dealt primarily with youths who used depressants, stimulants, or hallucinogenic drugs. Project participation was voluntary.

The projects brought youths together in groups to discuss problems, share experiences, and offer alternatives to drug use. Group therapy was used to help participants cope with problems that had turned them to drugs. The projects also provided group counseling to parents and other adults to help them understand the youths' drug problems and to foster communication and understanding between users and nonusers.

The St. Louis County project was directed by a clinical psychologist, assisted by three full-time counselors with degrees in psychology, two ex-drug users, and a research assistant. Seventeen paracounselors (prior participants) also assisted during group therapy sessions. Group sessions were scheduled for different age groups, were run by professional counselors, and were conducted at the facility housing the project. In addition, the project offered individual counseling as needed.

The Johnson County project was directed by a professional psychologist, assisted by a coordinator, an administrator, a registered nurse (who supervised the 24-hour telephone crisis service), volunteer crisis team members, 12 part-time nonprofessional group leaders, and six part-time community liaison workers.

Groups were established for drug users and for adults interested in learning how to effectively communicate with drug users. Group sessions, run by persons of the same age as the rest of the group, met at many different locations. The groups selected their leaders who received some training in how to run such groups by professional staff members or consultants employed by the project. Groups could accept or reject applicant requests to join the groups submitted to them by the project's directors. Individual counseling was not offered to participants and little, if any, centralized management or direction was given to them.

PROJECT EVALUATION

Neither LEAA nor SPAs had established criteria for evaluating drug-counseling projects. In addition, neither LEAA nor SPAs had helped the projects establish an adequate information system or evaluation approach.

Consultants from St. Louis University evaluated the St. Louis County project to determine the reaction to the project by the community and participants and to identify what the community and participants believed to be the project's strengths and weaknesses. Most empirical data was gathered through interviews; the consultants made no other attempt to assess project impact on the participants.

The study concluded that the community and participants generally believed the project worthwhile. The St. Louis County project had no other evaluation.

A doctoral candidate at Kansas University obtained information on the Johnson County project for his dissertation, which concerned the project's approach to rehabilitating young drug users. Over a 3-month period he compiled data for 36 persons who participated in the project during a 7-month period. Of the 36, 16 dropped out of the project after a short period. His findings regarding the 20 remaining participants indicated that some decreased their drug use regardless of how active they were in the project and that most believed the project helped them understand their problems.

The project's first grant stated that a consulting firm would evaluate the project's activities. Officials of the SPA and the project, however, disagreed over the consulting firm that would do the evaluation because the project director wanted to use a firm in which he and his wife were officers. As a result no evaluation was performed.

The evaluations of the two drug-counseling projects did not develop sufficient information to measure their impact. Information that should be developed to measure a drug-counseling project's effectiveness includes: changes in drug use or participants' changes in their social outlook and the degree of participation.

PROJECT EFFECTIVENESS

We attempted to determine the extent to which the two projects were helping participants. This was done to provide some indication of the success rate and the type of standards that can be used to measure the accomplishments of drug-counseling projects.

The staff of the St. Louis project had accumulated some useful data for analyzing project success. We obtained some incomplete information from the staff of the Johnson County project, but it was of little value in indicating the project's impact on participants.

St. Louis

Initially the St. Louis project obtained data on the extent of participants' drug use before they entered the project but kept only limited data on changes in their drug use while they were in the project or after they left. In August 1972, about 18 months after the first grant period started, the project staff began keeping more complete data, including followup on participants, and began analyzing the data to determine changes in drug use.

Our fieldwork for this project, completed in December 1972, showed that data on changes in drug use was available for 169 of the 372 youths who entered the project through October 31, 1972. The data is summarized below.

Type of user when treatment started	Participants	Change in drug use			
		Off drugs	Reduced use	No change	Increased use
Heavy users (note a)	38	13	9	16	-
Moderate users (note b)	67	26	24	15	2
Slight users (note c)	53	30	-	21	2
Former users who occasionally used drugs (note d)	11	-	-	10	1
Total	169	69	33	62	5

[a]A heavy user takes drugs one or more times each day.

[b]A moderate user takes drugs 3 to 5 times a week.

[c]A slight user takes drugs at parties or when he is with friends. He takes drugs 1 or 2 times a week.

[d]These participants were considered as nonusers originally but had histories of occasional drug and marihuana use when they entered the project.

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The data was based on the participants' oral statements regarding their progress and on the staff's opinion.

The staff also rated the social adjustment progress for 160 of the 372 participants because the staff believed that social adjustment problems were the underlying causes for drug use and must be treated also. The staff's ratings showed that 28 participants were much improved, 42 were moderately improved, 45 were slightly improved, and 45 had not improved. The data, although subjective, indicates that the staff believed most participants were being helped by the project.

Adequate records available on the school status of 123 participants showed that only 10 of the 103 who were attending school when they entered the project subsequently dropped out of school, whereas 9 of the 20 who did not attend school had returned after they entered the project. Employment data for 63 participants showed that 33 were employed when they entered the project and 32 were still employed when data was collected. When 22 others entered, they were out of school and not working, but 6 later started work. The remaining eight were in school when they entered the project but later dropped out and five went to work.

Continued participation in the project by a youth is another indication of the interest generated by a project. Staff members believed a youth must attend at least three group therapy sessions before a participant-counselor trust can be established, after which the youth generally feels comfortable and begins to discuss his problems. About 71 percent of the youths who entered the project had attended more than three sessions, according to records maintained by the staff.

Johnson County

The project staff did not record any data on the number of participants, their former drug use, or the extent of their change in drug use. According to the staff, the lack of records on drug use stemmed from the participants' fear that their names would be given to law enforcement officials because the county attorney had once requested the names of all drug users participating in the project. Consequently, there was no base upon which to assess project impact.

A guarantee of the confidentiality of information developed on participants in drug-counseling programs is needed but followup data should be available. Without such data, there is no good basis for deciding whether to continue funding such projects. Anonymity can still be guaranteed while impact data is provided.

Conclusion

Were the two projects successful? We cannot say because no criteria exist regarding the impact such projects should achieve in terms of (1) changes in drug use by participants, (2) degree of social adjustment changes, or (3) the average number of sessions attended by participants. However, the St. Louis project appeared to help a significant number of youths to stop or reduce drug use. The Johnson County project did not even collect basic data needed to assess effectiveness.

CHAPTER 5

YOUTH SERVICE BUREAUS

Youth service bureaus attempt to:

--Keep youths who have committed crimes from getting involved further with the justice system.

--Prevent youths who have not committed crimes from doing so.

They attempt to do this by coordinating community services available to youths and by providing needed services not available in the community. Moreover, they work with law enforcement agencies to encourage them to refer youths to the bureaus rather than to the juvenile court for prosecution.

Many difficulties existed in trying to assess the projects' impact. Neither LEAA nor the SPAs reviewed had issued guidelines on (1) how bureaus should be organized, (2) what services should be provided and how they should be delivered, and (3) what information such projects should maintain. Moreover, there are no common criteria to judge the success of youth service bureaus.

The lack of guidelines resulted in significant variations in the projects' operations and data collected on the projects' impact. These problems made it difficult to compare the effectiveness of the three projects.

NEED FOR YOUTH SERVICE BUREAUS

In 1967 the President's Commission on Law Enforcement and Administration of Justice recommended that youth service bureaus be established in comprehensive neighborhood community centers to assist juveniles, both delinquent and nondelinquent, referred by the police, the juvenile court, parents, schools, and other sources. The growth of youth service bureaus has been widespread partly as result of the availability of Federal funds. In 1969 the National Council on Crime and Delinquency identified fewer than 12 youth service bureaus. A 1972 nationwide study financed by HEW reported that 155 bureaus had received Federal funds and that LEAA was the most significant funding source for the bureaus, having provided funds for 135 or about 87 percent.

PROJECTS REVIEWED

We reviewed the operations of three projects--Youth Eastside Services, Bellevue, Washington; Youth Services Bureau, Portland, Oregon; and Project Youth Opportunity, St. Louis, Missouri.

Details on project funding are shown below.

	Total grant budget	LEAA funds Amount	LEAA funds Percent of total	Months of operation	Grant period
Bellevue	$286,922	$174,196	60.7	36	7-70 to 6-73
Portland	187,670	98,840	52.7	24	7-71 to 6-73
St. Louis	230,856	154,866	67.0	25	11-71 to 12-73

The projects' directors stated that the primary goal of their projects was to influence youths to change their behavior in order to keep or divert them from the juvenile justice system. However, only the St. Louis project had quantified its diversion objectives. Its goal was to reduce by 3.5 to 7.5 percent the number of youths referred to the court who have had previous court contact and reduce by 7.5 to 10 percent the number of youths referred to the court for the first time.

Project records did not fully document the number of participants but indicated that the Portland and St. Louis projects each served about 2,500 a year compared with about 4,500 a year at Bellevue. The Portland staff made about 5,000 contacts with these people, whereas the St. Louis and Bellevue staff made an estimated 14,000 and 28,000 contacts, respectively. The organization and facilities for the three projects varied considerably and accounted, in part, for the differences in the number of people involved and total contacts made.

--Bellevue had 10 staff members and about 150 active volunteers. The facilities used were an old house and several small buildings.

--Portland had 10 permanent staff members who were usually supported by three Neighborhood Youths Corps

workers and four university students working for college credit. The project had no active volunteer program. The facility was a storefront office.

--St. Louis had six staff members and used volunteers for specific events. The facility was an office in a suburban business district. In addition, school facilities were used for some activities.

The Bellevue project, with 150 active volunteers, offered more services than the other two projects.

Bellevue

The project's original purpose was to provide a drop-in counseling center for adolescents to combat drug problems. Later the project expanded to provide a broader base from which to combat delinquency. The services offered included: a 24-hour crisis phone; a "flying squad" for providing on-the-scene assistance to drug abusers or other juveniles with serious problems; an employment center; a licensed foster care program; parent education programs; individual, group, and family counseling; and a drop-in center. Besides providing an informal place for young people to go, the drop-in center offers lectures, films, and group discussion and has an arts and crafts workshop.

The project provided free services. Project participation was voluntary. The project director did not have statistics showing the youths' involvement with juvenile court but estimated that about 20 percent of young persons counseled had committed serious crimes. Counseling was primarily carried out by volunteers (i.e., psychiatrists, psychologists, and social workers).

Portland

Project services included job placement; individual, marriage, and family counseling; legal services; health counseling; runaway counseling; and drug counseling. In addition, the staff worked toward getting youths and adults involved in the community and getting additional needed

services. Project staff worked with police and juvenile court officials to insure that appropriate youths were referred to the project.

The project offered free services and participation was voluntary. Court records showed that about 38 percent of the youths counseled and 25 percent of those seeking employment had had some official contact with juvenile court.

St. Louis

This project provided counseling and job referrals to the youths within the target area and sponsored recreation and community meetings to help the community solve its problems. The project staff was to contact youths through schools; street interviews; referrals from police, juvenile court, and others; and walk-ins to the project offices.

The project provided free services to youths and participation was voluntary. According to juvenile court records, about 13 percent of the youths contacted had been referred to juvenile court for delinquency.

PROJECT EVALUATION

Neither LEAA nor the SPAs which funded the projects reviewed had established evaluation methods for youth service bureaus. None of the funding applications the projects submitted to SPAs described how objective information would be gathered to evaluate impact on delinquency.

Bellevue

Though the project had been evaluated twice, evaluation methods were not described in the grant application. Neither evaluation developed objective evidence showing the impact on the project. Graduate students from the University of Washington made the first evaluation, which was funded by the project. University of Washington students working for credits made the second study, which was not financed by the project.

The first study developed information concerning

--administrative problems as determined by interviews with staff, volunteers, and participants and

--community support determined through interviews with area residents.

It recommended ways to improve project management.

The second study consisted of questioning juveniles and adults who resided in the community to determine their knowledge and support of the project's activities. This study neither developed objective data on the youths served by the project nor contained recommendations.

Portland

The applications submitted for this project for its first two LEAA grants indicated that the project would be evaluated during each grant period and noted the general areas to be evaluated. However, the applications did not define the evaluation methods to be used. Only the evaluation for the first grant period was completed at the time of our review.

The SPA evaluation specialist met with the independent evaluator to agree on methods for the first year's evaluation. The evaluator developed information on the project by

--analyzing project records to determine the number of target area youths that had been served by the project's counseling and employment programs,

--checking juvenile court records for all target area youths served to determine if they had contact with juvenile court before or after their contact with the project,

--interviewing juvenile court officials to obtain their views on project impact, and

--obtaining information on the number of juvenile court dispositions in 1970 and in 1971 for the target area and the county as a whole to determine whether the trend for the target area in 1971 differed from that of the entire county.

The results of this evaluation are discussed on pages 41 and 42.

The SPA evaluation specialist had received a copy of the evaluation report and considered it adequate.

St. Louis

The applications submitted for this project (1) indicated that evaluations would be made, (2) identified areas to be reviewed, and (3) showed general evaluation approaches. There was no indication that the SPA helped the project to develop evaluation methods.

Staff members of the Young Men's Christian Association, sponsors of the project, made the first evaluation about 4 months after the project began. It consisted mainly of interviews with school officials and local businessmen to find out if they knew of the project and what impact they thought it had.

A consultant associated with Southern Illinois University made the second study. She

--contacted 125 randomly selected youths who had contact with the project to determine the extent of their participation and to determine whether they believed the project had influenced them to stay out of trouble,

--sent questionnaires to participating agencies to determine their project involvement, and

--interviewed project staff and some of the volunteers to obtain their views on the project's impact.

Both evaluations primarily concerned assessing attitudes about the project, rather than gathering quantitative data on the impact of the project on participants. Both types of information are needed to fully evaluate the project's effectiveness. On the basis of a review of the project's studies, SPA officials concluded that the project's impact had not been objectively evaluated. The project director agreed with the SPA's conclusion but said funds budgeted for evaluation were inadequate for an in-depth evaluation.

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The evaluation of the Portland project was most adequate for assessing project impact. It combined objective

information from project and court records with subjective evidence for judging the impact. This approach could be used to assess the impact of most youth service bureaus.

PROJECT EFFECTIVENESS

We tried to determine project effectiveness to provide some indication of the success achieved and the type of standards that can be developed to measure a project's accomplishments. Assessment of youth service bureaus' impact requires, as a minimum, that data be collected on the number of offenses committed by youths before and during project participation and the number of youths referred to and dealt with by the juvenile courts before and during participation. Followup information on youths' activities once they leave the project is also desirable.

To the extent possible to assess effectiveness, we used the results of the project evaluations and data the project staff gathered. Often, however, we had to develop our own data to try to determine the project's impact. The following information shows that data was adequate to provide a basis for judging the impact of the Portland project but points up the difficulties in trying to assess the other projects' impact.

Bellevue

According to the director of the Bellevue project, the project makes an agreement with each youth counseled that restricts access to records kept on the youth to his assigned counselor and the paid project staff. He said these agreements, unless waived by the youth, prevented any outside evaluation team from doing followup to determine the rate of referrals to the courts on the youths before and after project contact. As a result, we could not determine the project's impact.

Our analysis of statistical data on juvenile and adult arrests in Bellevue, however, indicated that the project may have had a positive impact. Between 1965 and 1969, juvenile arrests as a percent of total arrests averaged about 34 percent and ranged between 30 and 37 percent. The Bellevue project received its first grant in 1970. Between 1970 and 1972 juvenile arrests averaged about 27 percent of all arrests and ranged from 24 to 30 percent. The drop in the percent of juvenile arrests relative to all arrests is even more significant since, from 1965 to 1972, the juvenile population between 12 and 17 years of age steadily increased relative to the adult population (over 18 years of age).

The Bellevue Police Chief told us that he believed the youth service bureau project had reduced, to some extent, juvenile arrests relative to all arrests. He said, however, that other factors, such as increased concern for juvenile rights and increased emphasis on referring juveniles to their parents or other social service agencies if they get into trouble, also contributed to the decrease.

Portland

The evaluation team systematically analyzed the bureau's target area cases between March 6, 1971, and April 15, 1972. It determined that either the employment program or the counseling program had served 623 target area individuals. The team checked each of the above individuals against the juvenile court records to see if each had contact with the court before and after project participation.

Significant results of this analysis and the evaluation team's conclusions follow.

--Of the participants, 179 had had some contact with the court although only 26 (15 percent) had gotten into trouble after contact with the project. These 26 represented only 4 percent of the total youths served by the project during the period.

--Youths were diverted from the juvenile court system to the project in 20 cases as a result of an informal arrangement between the project and the court.

--For most cases it was difficult to determine whether the project directly helped keep the youths out of the juvenile court system. However, since only 26 of the 620 youngsters were referred to the court once they began participating, the project may well be having a positive impact although it is difficult to specify the impact.

The evaluation team believed other data supported their conclusions and reported that individuals closely associated with juvenile court believed the project was having a positive impact. According to the team, between 1970 and 1971 juvenile court dispositions from the project's target area decreased while juvenile court dispositions for all of Multnomah County, where the project was located, went up, as shown below.

Court Dispositions
1970 and 1971

	1970	1971	Change	Percent of change
Entire county	5315	5956	+641	+12
Project area only	701	647	-54	-8

Although the reduction may have been attributed to periodic variations in such statistics, the evaluation team believed the data might indicate the project's positive impact.

St. Louis

The project staff did not develop objective data to show the project's impact on youths contacted. To assess the project's impact in terms of reducing the number of first-time juvenile offenders and the number of repeaters, we examined juvenile court records. They showed that 218 youths (13 percent of our sample of 1,674 youths contacted by the project) had been referred to the courts for delinquent behavior. Detailed data for 191 of these youths showed that 52 (27 percent) were referred to the court after project contact; 30 (16 percent) were referred to the court before and after contact; 109 (57 percent) had been referred to the court only before contact. The 82 youths referred to the court after contact with the project represent 43 percent of the youths with detailed court records but only about 5 percent of the youths in our sample.

Some additional indication of the project's impact is provided by two sources. A consultant analyzed data on 125 youths selected at random from the approximate 1,800 youths in the project. She determined that 36 of the 125 believed the project had influenced them to stay out of trouble; 40 said they did not know whether the project helped them; 15 said the project had not helped them; 20 said they had not been involved in the project; and 14 did not answer.

The consultant also gathered data indicating the before-and-after legal status of participants to determine recidivism rates. However, she did not use this data in her final report. But the Missouri SPA staff did analyze her data and concluded that participants with court referral histories

experienced a decrease in recidivism while court referrals from the locations increased. For example, the data showed that 38 offenders had committed crimes in the 10 months immediately before the project began and 16 of the 38 had committed crimes during the 10 months after it began.

Although the data indicates that the project helped some offenders, the consultant's data also indicated that many had only minimal project contact. Thus, it is difficult to develop a direct causal relationship between the project and the fact that some offenders did not commit more crimes because of project services.

National survey

A further indication of the problems of assessing the impact of youth service bureaus is provided by a national study of youth service bureaus completed in November 1972.[1] One study objective was to try to determine whether the bureaus had diverted youth from the juvenile justice system.

The study team visited 58 youth service bureaus in 31 States and analyzed responses to questionnaires from 170 youth service bureaus. The study concluded that information on the impact of bureaus was so limited and individualistic that any national answer regarding the extent of diversion would be speculative. According to the study, "youth service bureau" and "diversion" have not been defined and youth service bureaus generally have inadequate data to measure impact.

Conclusion

Were the three youth service bureaus successful? Only one project--Portland--had sufficient data that reflected its impact. The data for the project indicates that it has been fairly effective in keeping participants from further contact with the juvenile justice system. However, since there is no standard for the achievements to be reached by youth service bureaus, we cannot say whether this project should be considered successful.

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[1]"National Study of Youth Service Bureaus," by the Department of California Youth Authority. HEW financed the report. Its publication number is (SRS) 73-26025.

CHAPTER 6

GROUP HOMES FOR JUVENILES

Group homes for juveniles provide an alternative to probation or incarceration and shelter for youths who cannot live at home for such reasons as parental neglect. The primary goals of LEAA-funded group homes are to provide supervision, counseling, and recreation to the participants in a homelike atmosphere. The living routine is more structured than if the participants lived in their own homes but not as structured as if they were in institutions. The youths usually go to the neighborhood schools.

Comparing the success of group homes was difficult because LEAA has established no criteria as to what services are to be provided, what type of staff should be employed, or what goals the projects should achieve. In addition, no standard report format exists so comparable data can be collected from projects.

PURPOSE OF GROUP HOMES

The 1967 report by the Task Force on Corrections of the President's Commission on Law Enforcement and Administration of Justice estimated that the number of juveniles who would be confined by 1975 would increase by 70 percent and would place a tremendous burden on the existing community correctional systems. To help relieve this burden, the task force cited group homes as a possible community program whose approach was capable of widespread application.

Juveniles are placed in group homes on the premise that they can readjust better and are more likely to become useful citizens if they live in a homelike atmosphere, rather than living in the more structured environment of a boarding school or reformatory or being placed on probation and left in the environment where they got into trouble. The nationwide growth in the number of these homes has been said by corrections specialists to be one of several promising developments in community correctional programs because they are considered to be a viable alternative to prisons.

PROJECTS REVIEWED

We reviewed three group home projects for juveniles that have received LEAA funding: the Community Group Homes, Kansas City, Missouri; the Residential Homes for Boys, Wichita, Kansas; and the Clark County Group Homes, Vancouver, Washington.

Each project had received the following amounts, involving at least three LEAA awards.

LEAA Funds

	Total grant budget	Amount	Percent of total	Months of operation	Grant periods
Kansas	$210,739	$136,143	65	40	9-69 to 12-72
Wichita	286,548	191,913	67	26	4-71 to 5-73
Vancouver	178,545	113,732	64	32	8-70 to 3-73

The objective of these homes was to operate facilities to provide a family environment in a residential setting where a youth's problems could be treated and corrected. It was anticipated that, with a resultant attitudinal change, a youth's behavior could be restructured and he could live a socially acceptable life. None of the projects had quantified the rate of success they hoped to achieve.

The costs of operating the three projects are shown below.

Average Participant Cost

	Kansas City	Wichita	Vancouver
Monthly cost	$ 480	$ 735	$ 655
Average stay (months)	5-3/4	3-1/3	5-1/2
Average total cost per participant	$2,760	$2,448	$3,602

The basic reasons for the cost differences were staffing, services offered, and the average length of stay by participants in each project.

Kansas City

The Kansas City project funded three different homes. One was for boys 14 years old and under, another was for boys 14 through 16, and the third was for all juvenile girls. Each home can house up to 10 youths at one time. At the time of our review, the project staff consisted of two houseparents, three social workers, and eight youth workers. The supportive services were provided by staff who were employees of other agencies, such as the county juvenile court, rather than by staff of the homes.

The social workers help supervise the group homes, provide liaison between the youths and the court, and try to resolve any family conflicts. The project staff and others provide individual and group counseling to help youths resolve problems with peers, family, and school and psychiatric assistance when necessary.

The Kansas City project has had difficulty in obtaining and retaining houseparents for various reasons, including the lack of qualified people and low pay. As a result, the home for boys ages 14 through 16 employed youth workers on 8-hour shifts to perform houseparent duties. The home for boys ages 10 through 14 had houseparents until they quit in July 1972. Youth workers were then used on shifts because no other houseparents could be found. Houseparents have always staffed the home for girls.

Youths placed in these homes have usually committed crimes and are considered to need treatment outside their homes but generally are not considered to need long-term institutional treatment. Some youths are admitted because of truancy, running away from home, or parental neglect. Juvenile court judges decide which youths are to be placed in the homes. All participants are expected to attend the local schools.

Wichita

The Wichita project funded two group homes for selected 16- and 17-year-old males from Sedgwick County. The two homes could house a total of 20 youths at one time. At the time of our review, the staffing consisted of an executive director (part time), a secretary, two house directors, two assistant house directors, six youth supervisors, and two cooks.

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The professional staff, consisting of a house director, an assistant director, and three youth supervisors at each home provided individual and group counseling. A psychiatrist conducted weekly group counseling at only one home. The project director planned to replace group counseling shortly with regular individual counseling because he believed it to be more desirable for the youths. Individual psychiatric assistance was available to participants of both homes on an as-needed basis. The plan to eliminate group counseling is contrary to the recent position of an SPA monitor who recommended that group counseling be offered in both homes.

Youths placed may be regular participants or temporary residents who, for example, are awaiting a court decision on where they will be placed. A screening committee, consisting of members from several local agencies, reviews data on each applicant and assists the staff in choosing participants.

All participants were encouraged to enroll in some type of educational or vocational training program. Employment was also encouraged when it could be incorporated into the educational program or when a participant rejected educational opportunities.

Vancouver

The Vancouver project operated eight homes at the time of our review, three for girls and five for boys. The homes could house 6 to 8 girls or 8 to 10 boys each. Youths placed ranged from 11 to 17 years of age and were not segregated by age. About 40 percent of the participants are from the county in which Vancouver is located. At the time of our review, the project employed a project director, a business manager, 2 program directors, an assistant program director, a nurse, a research analyst, 15 houseparents, 7 relief parents, and 4 office staff members. A clinical psychologist served as a consultant.

Youths placed in the homes have usually been involved in limited or no criminal activity. The Juvenile Court believes they need treatment outside their own homes but do not need long-term institutional care. Professional staff of the homes determine if a youth is to be placed in a home. School attendance is required. The group home

staff expect the public schools to provide in-depth counseling to the youth when necessary.

PROJECT EVALUATION

Neither LEAA nor SPAs had established evaluation methods. The applications submitted for funding these projects generally did not describe project evaluation methods. SPAs had not actively assisted project staff to develop evaluation methods. However, the evaluation of the Kansas City project was adequate and the methods used served as a model for evaluating the impact of other group homes in Missouri.

All the projects had maintained records on each youth served, including his legal status when he entered the project and his progress during his stay in the home. Only one project, however, had collected adequate followup information, but the information was not maintained so statistics could be readily prepared. Followup information on the youths' legal status is essential to assess the projects' impact.

Kansas City

The first three grant applications for this project did not mention any project evaluation plans. The application for the fourth grant briefly described the only evaluation made of the project. The Juvenile Court employed a research psychologist who developed and evaluated information in the following areas:

--The frequency of law referrals before, during, and after group home placement.

--The type of problems (such as burglary, drugs, truancy, runaway, parental neglect, or traffic violations) before, during, and after placement.

--The relationship between length of stay and number of law referrals.

--The general adjustment of participants during and after their stay using staff member comments on youth progress and comments on youths' school behavior.

--The placement of the youths following release from the home.

SPA officials believed the evaluation approach was sound, and the report was used as the guide for developing evaluation guidelines for all the SPA-funded group homes. The guidelines are to include a report format to be maintained by the homes on each child admitted.

Wichita

The application for the first LEAA grant for this project stated that a self-evaluation would be done and requested SPA assistance to develop the evaluation approach. However, we found no evidence of SPA involvement.

The self-evaluation consisted of the following steps.

--A staff discussion was conducted to obtain comments on the viability of the project.

--Questionnaires solicited opinions on project operations from about 20 participants, the staff, the consulting psychologist, and several probation officers.

--Statistical data was compiled on the number of participants, types of offenses participants committed before and after placement, reasons why participants were released from group homes, and length of stay.

Some of the statistical data was incomplete and inaccurate.

Vancouver

Although the applications submitted for the project for the first and second LEAA grants stated that a consultant would evaluate the project, they did not describe the methods to be used. Two independent consultants reviewed the project, but concentrated on its administration rather than effectiveness.

Staff members made two other evaluations and developed data on most participants released from the homes, such as where the participant came from, why he left, where he went after release, and where he was at the time of the study.

Neither staff evaluation developed data on participants' referrals to juvenile court before and after they came to the home. Nor did the evaluators determine whether the

participants had been in and out of an institution between the time they were released from the home and the time of the study.

An SPA monitoring report on this project stated that it was efficiently run and had generally been free of problems. According to an SPA official, the SPA is developing a standard reporting system for group homes so that data received from them will be comparable.

PROJECT EFFECTIVENESS

We developed better data on the impact of group homes than for the three other types of projects reviewed. Yet, without standards against which to measure the results, determining project effectiveness is very difficult. Nevertheless, the results do provide a basis to begin developing such standards.

One measure of a group home's impact is the extent to which youths get into trouble once they leave the home. Without criteria regarding the number of youths expected to get into trouble again, we cannot say whether the projects were successful, but the data available indicates little project effectiveness in reducing the delinquent behavior of participants.

At the time of our review, the three projects had received 442 youths into their homes and had released 319. We obtained selected data from the projects' records for 104 of the 319. We also did certain followup work at juvenile courts having jurisdiction in the project areas.

As shown below, about as many participants were dismissed from the homes because they misbehaved as were released because they were considered to have completed the program or were over legal age.

Reasons for leaving homes	Number of former participants				Percent of total
	Kansas City	Wichita	Vancouver	Total	
Poor behavior	22	16	9	47	45.2
Completed program or over legal age	10	14	22	46	44.2
Transferred to another program (such as Job Corps)	3	1	7	11	10.6
Total	35	31	38	104	100.0

Followup data in project records for the 104 former participants showed that most were living in the community.

Residence	Former participants: Kansas City	Wichita	Vancouver	Total	Percent of total
Living in community with relatives, others, or on their own	21	24	20	65	62.5
In military service	-	3	1	4	3.8
In penal or mental institutions	5	3	12	20	19.2
In other group homes	-	-	4	4	3.9
Unknown	9	1	1	11	10.6
Total	35	31	38	104	100.0

However, 65 percent of these youths had further involvement with juvenile court after leaving the home.

Number of referrals to courts for misbehavior after leaving residential homes	Former participants: Kansas City	Wichita	Vancouver	Total	Percent of total
None	7	17	12	36	34.6
One to three	19	14	26	59	56.7
Four or more	9	-	-	9	8.7
Total	35	31	38	104	100.0

Although many youths were referred to juvenile court for misbehavior after leaving the homes, the average frequency of these referrals had decreased slightly.

	Average yearly frequency of court referral rate: Kansas City	Wichita	Vancouver
A year before placement	2.69	2.35	1.74
After release from home	2.12	.80	1.25
Amount of decrease	.57	1.55	.49

The decreases in court referrals, however, cannot be attributed solely to behavioral changes achieved by the homes.

For example, upon leaving the home, some youths were too old to be charged with offenses peculiar to juveniles, such as truancy, for which they could have been referred to juvenile court. Others were living in different settings than before they entered the group homes, such as with different relatives or in different cities.

Data developed by some of the projects' evaluators also indicated the same trend regarding the number of youths whose behavior the projects did not change. The evaluator of the Kansas City project noted that, for 48 participants released or transferred from the homes by April 1972, half were transferred to more restrictive boarding schools. Vancouver's evaluator developed detailed statistics on 75 of 79 youths released from the homes during 1972. About 51 percent (38) were referred back to juvenile court for new offenses after release from the home.

Conclusion

Is it acceptable, for the participants on whom we obtained data, that

--45 percent were released from the group homes for poor behavior?

--65 percent had problems which resulted in referral to juvenile court once they left the homes?

--23 percent were sent to penal or mental institutions once they were released from the homes?

The SPA juvenile specialist for Washington State advised us that about 46 percent of all youths in the State referred to juvenile court for an offense would be referred to the juvenile court again regardless of whether they had been in institutions, group homes, or foster homes. Thus, he believed that the referral rate for a group home should be much better than the average referral rate back to the juvenile court if a group home is to be considered effective. However, until LEAA and the SPAs establish criteria, no adequate basis exists for assessing whether the percentages we developed indicate success or failure.

CHAPTER 7

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSIONS

Common difficulties are involved in trying to assess the impact of the four types of projects reviewed:

--No standards or criteria had been established regarding success rates.

--Adequate and comparable data was not maintained by similar projects.

--Project evaluations used different techniques and different information sources and had different scopes. Moreover, most evaluations did not present data on project effectiveness and for those that did the evaluators had no nationally acceptable standards or criteria to use in evaluating project achievement.

Without comparable data, adequate standards and criteria cannot be developed and objective decisions cannot be made regarding such projects' merits and the desirability of emphasizing such approaches to help reduce crime. One purpose of LEAA funds provided to States is to encourage the development of new and innovative projects to fight crime, but without information on whether such projects work, determining whether such funds have been spent effectively is not possible.

Recent actions indicate that LEAA is committed to evaluating its programs. However, LEAA has not required that comparable data be gathered for similar projects so standards can be developed to assess project impact.

LEAA and SPAs could establish a statistical impact information and reporting system whereby data could be available on the impact of similar projects. LEAA could specify the types of data to be collected and the way it would be reported. This would insure that comparable data on similar projects could be collected. Projects could then provide such data to SPAs so the impact of similar projects in the State could be determined. States could then provide their

information to LEAA so a national perspective could be developed.

Such a standardized reporting system would obviate the need for many independent individual project impact evaluations but still provide project directors with information on what impact their projects have had. Evaluations of specific projects could then use the statistical data developed for the impact information system to do analyses, for example, to determine which services appear to have a more positive impact on project participants.

If SPAs still considered it desirable to approve evaluations of specific projects, they would have a basis for assuring themselves that the study results were adequate in scope to measure the project's accomplishments and were presented so the results could be compared to evaluations of similar projects.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

To develop the information necessary to assess the impact of LEAA-funded projects, we recommend that the Attorney General direct LEAA, in cooperation with SPAs, to designate several projects from each type of LEAA-funded project as demonstration projects and determine information that should be gathered and the type of evaluations that should be done to establish:

--Guidelines for similar projects relating to goals, the type of staff that could be employed, the range of services that could be provided, and expected ranges of costs that might be incurred.

--Uniform information to be gathered on similar projects.

--Standard reporting systems for similar projects.

--A standard range of expected accomplishments that can be used to determine if similar projects are effective.

--Standardized evaluation methods that should be used so comparable results can be developed on the impact of similar projects.

In developing the standards, LEAA should coordinate its efforts with those of other Federal agencies funding similar projects.

Information such as the following should be gathered for the various projects reviewed.

Detoxification centers

--The number of admissions for a specified period.

--The number of the above admissions that had been admitted previously to the center within the past 60 days or another specified period.

--The source for the admissions; i.e., police, hospitals, or private referrals.

--The number of persons referred to appropriate aftercare facilities.

--The number of persons who contacted and remained under treatment of the aftercare facilities for a specified period.

--The costs incurred per patient-day.

--The number of arrests for public drunkenness during the same period for which admissions are recorded.

Drug counseling

--For each participant:

1. A record of his drug use before participation and at periodic intervals during and after participation.

2. A record of his legal status (probation, parole, etc.) before, during, and for a prescribed period after participation.

3. Periodic staff evaluations on the social progress of the participant.

4. The reason participants ceased to be active in the project, as given by the participants and staff.

--The number of counseling sessions conducted by the project staff and the number and type of persons attending.

--The sources contacted to encourage referral of youths needing or seeking drug counseling.

Youth service bureaus

--Police and court statistics at selected intervals for the age group to be served by the project.

--Individual case file histories that cite:

1. Referral source and legal status of the youth at the time of initial contact by the project.

2. Any change in the legal status of the participant during participation and for a specified period thereafter.

3. The type and extent of counseling or other services received by youths during participation.

Group homes

--The reason for each placement.

--The number of referrals to juvenile court for each participant before and during confinement in the home and for a specified period thereafter.

--A periodic staff rating on the social adjustment of each participant during his stay.

--Why the participant was released from the home, where he went after release, and where he was 6 months and 1 year after release.

On the basis of the standards developed from the demonstration projects, the Attorney General should direct LEAA to:

--Establish an impact information system which LEAA-funded projects must use to report to their SPAs on project effectiveness.

--Require SPAs, once such a system is established, to develop, as part of their State plans, a system for approving individual project evaluations only when such efforts will not duplicate information already available from the impact information system.

--Publish annually for the major project areas the results obtained from the impact information system so the Congress and the public can assess the LEAA programs' effectiveness.

In developing information on the impact of projects, LEAA will have to arrange the data so the confidentiality of the individual is protected.

AGENCY COMMENTS AND GAO EVALUATION

The Department of Justice generally agreed with our conclusions and recommendations regarding the need for greater standardization of goals, costs, types of services, and information to be collected on similar projects so better evaluations can be made. However, the Department did not agree with our recommendation that the way to implement the needed improvements was to have LEAA ultimately establish general criteria regarding each item. (See app. I.)

The Department believes it is inconsistent with the philosophy of the "New Federalism," as defined by the Administration, for LEAA to require the States to adopt such guidelines.

The Department noted, however, that LEAA has provided the States with technical assistance publications through such actions as dissemination of operational and result information in its Prescription Package and Exemplary Projects Programs, which should assist them in evaluating their projects.

We believe the information in such publications is beneficial but generally is not comprehensive enough to provide an adequate basis for determining the specific comparable data that should be collected for similar projects needed to establish acceptable standards and criteria. Moreover in issuing such information, LEAA points out that the information does not necessarily represent the official position of the Department of Justice. Each State can implement all, some, or none of the suggestions made in the publications.

For example, the handbook on the community-based corrections program of Polk County, Iowa, contains a good description of the project's procedures, costs, and results of some evaluations made of its activities. However, there is nothing in the handbook indicating that the criteria and standards used by the project have been independently evaluated against those of similar projects and have been determined to be what similar projects should adopt.

The Department also noted that the National Advisory Commission on Criminal Justice Standards and Goals discussed the problem of program measurement and evaluation and made

certain appropriate recommendations. The Department implied that this action, along with those discussed above, was adequate to solve the problems we noted.

The Commission's recommendations pointed up the need to develop adequate data bases so specific goals and standards could be developed. The Commission's role was not to make specific recommendations regarding the exact types of data that similar projects should collect so specific standards and criteria could be developed. Thus, LEAA and the States can use the Commission's findings, along with other reports, as a basis for starting to develop the specific processes needed to obtain the data to develop specific standards and criteria.

Accordingly, we do not believe the Department's actions to date will insure that the same general guidelines and criteria are applied to similar projects so effective evaluations and adequate national accountability can be achieved. LEAA must take a more active leadership role in developing the guidelines and criteria the States should adopt if the Department is to be able to report on the relative impact of various States' programs. Otherwise the States may go their own ways, develop systems that are not compatible with each other, and collect data that cannot be consolidated to provide a national indication of the impact of LEAA funding.

We do not believe that adoption of such guidelines and criteria by LEAA will undermine the program's effectiveness or eliminate the States' prerogative to determine the needs of its criminal justice system and the types of projects to be funded. Nor would such criteria prevent individual projects from shaping their programs to meet the unique needs of their communities.

We believe our position on the need for LEAA to establish general criteria for the grant projects and to require the SPAs to adopt such criteria is consistent with the concerns of the Congress when it passed the Crime Control Act of 1973.

The act notes that no comprehensive State plan shall be approved unless it

> "--provide(s) for such fund accounting, audit, monitoring, and evaluation procedures as may be necessary

to assure fiscal control, proper management, and disbursement of funds received under this title;

"--provide(s) for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Criminal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title."

In its report on the proposed amendments (H. Rept. 93-249, 93d Cong., 1st sess. 4-5) the Committee on the Judiciary, House of Representatives, stated that it had rejected proposals to convert the LEAA program into a simple "no strings attached" special revenue-sharing program and by doing so had retained Federal responsibility for administering the program and for assisting the States in comprehensive planning. The report further stated "The committee feels that LEAA has in the past not exercised the leverage provided to it by law to induce the States to improve the quality of law enforcement and criminal justice."

Moreover, the report noted that the 1973 law greatly strengthened the role of the LEAA's National Institute of Law Enforcement and Criminal Justice in evaluating projects. The report stated:

"In performing its evaluation function, the Institute will find it necessary to evaluate programs or projects on the basis of standards. * * * The State plans themselves must assure that programs and projects funded under the Act maintain the data and information necessary to allow the Institute to perform meaningful evaluation."

To insure that all the State plans require projects to develop consistent data and information, it is essential that LEAA develop guidelines and criteria which the States must follow.

When these amendments were discussed on the floor of the House of Representatives, the new requirements for LEAA

to begin careful evaluation of the programs it funds were cited. These requirements were to enable LEAA to insure that the substantial Federal resources it controls are directed into effective efforts to control and reduce crime.

During the House discussions, one Representative stated:

> "I hope that the National Institute will make major use of this new authority so that LEAA will no longer simply throw money at the problems of crime in a vague hope that something will work."

We do not believe that the Department's proposals for carrying out our recommendations will insure that LEAA provides the type of leadership envisioned by the Congress when it passed the 1973 act.

The SPAs reviewed agreed with our conclusions and recommendations and noted that they would be helpful in improving their evaluation efforts.

RECOMMENDATION TO THE CONGRESS

Although the Crime Control Act of 1973 requires the Administration to provide more leadership and report to the Congress on LEAA activities, the Department of Justice's responses to our recommendations indicate that LEAA's actions will not be consistent with the intent of the Congress.

Therefore, we recommend that the cognizant legislative committees further discuss this matter with officials of the Department.

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APPENDIX I

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

February 8, 1974

Mr. Daniel F. Stanton
Assistant Director
General Government Division
United States General Accounting Office
Washington, D. C. 20548

Dear Mr. Stanton:

This letter is in response to your request for comments on the draft report titled "Difficulties of Assessing the Impact of Certain Projects to Reduce Crime."

Generally, we are in agreement with the report and share GAO's concern regarding the need for effective evaluation of programs and projects funded by the Law Enforcement Assistance Administration (LEAA). Although the report acknowledges that LEAA has encouraged program and project evaluation by the States and units of local government, it does not comment on many of the positive actions previously implemented or initiated by LEAA prior to issuance of the report. As early as 1971, instructions to the States outlined the importance of evaluations and provided minimum guidelines to implement an evaluation system.

The LEAA High Impact Anti-Crime Program has a sophisticated multi-faceted evaluation component which addresses not only project evaluation but program and process evaluation as well. Efforts are underway to determine those factors (e.g., organizational, historic, demographic) which are most critical in the development and implementation of a crime control program. On its own initiative,

APPENDIX I

LEAA has improved and upgraded its evaluation capabilities through research and technical assistance programs. These programs are designed and intended to assess the impact of LEAA's program and to provide technical assistance to operating units of the criminal justice system. Examples of these efforts are as follows:

1. Technical assistance contracts have been awarded to consultants with expertise in the disciplines of police, courts, and corrections for the purpose of providing a wide range of services, including project evaluations, to State and local criminal justice agencies.

2. Through the auspices of an LEAA technical assistance grant, the National Council on Crime and Delinquency printed 2,500 copies of a publication, "The Youth Service Bureau: A Key to Delinquency Prevention," for distribution to the criminal justice community. This publication describes the purpose, organization, administration, functions, and evaluations of youth service bureaus.

3. An LEAA technical assistance publication, "Guidelines and Standards for Halfway Houses and Community Treatment Centers," sets forth operational guidelines and evaluation standards applicable to group homes for juveniles.

4. Researchers at the University of Michigan operating under a National Institute of Law Enforcement and Criminal Justice grant are conducting a 5-year national assessment of juvenile corrections. This study will develop criteria having a major impact on the implementation of policies and programs for handling juvenile and youthful offenders throughout the United States.

It is of concern to us that the report does not take into consideration such factors as (1) the appropriate relationship between LEAA and the States within the context of the New Federalism, or (2) the optimum involvement of LEAA in State and local programs. LEAA believes that the concept of Federal leadership does not require the establishment of mandatory evaluation standards for the States. The National Advisory Commission on Criminal Justice Standards and Goals addressed the issue of program measurement and evaluation and reported out the methodology and philosophy to accomplish effective evaluation. LEAA has taken the position that the standards and goals developed by the Commission are subject to voluntary acceptance by the States and are not to be used as a condition of project funding. LEAA's goal in terms of evaluation is to be responsive to the issue of accountability. Specifically, we must assure the most worthwhile expenditures of Federal funds. To accomplish this goal, LEAA's efforts have been directed toward research, models, and the development of evaluation techniques. While it is beneficial to know the results of specific projects, it is LEAA's position to assure a broader systems perspective that examines the combination of activities that best achieves an overall goal and the implications and effects of actions and decisions in one part of the system on the others. Concentrating on specific project evaluation would not address these broader issues.

LEAA interprets its role as being limited to increasing the capabilities of local government by means of example, experiment, research, development, and funding incentives which encourage, but do not force, fund recipients to adopt Federally supported projects or project goals. LEAA has and will continue to lend technical assistance and support to States to the greatest extent possible, but the primary role for project evaluation must remain with the States.

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The report recommends that LEAA establish operational guidelines for similar type projects relating to general goals, the type of staff to be employed, the range of services that could be provided, and expected ranges of costs to be incurred. If GAO's intention is for LEAA to mandate goals and operational standards for all criminal justice programs of a certain type--e.g., youth service bureaus--the proposal is viewed as inappropriate to the LEAA mission. However, if the recommendation is intended to suggest that LEAA provide State Planning Agencies (SPAs) and State and local criminal justice agencies with summaries of the experience of typical programs throughout the country for their general guidance in terms of necessary staffing, costs, and expected results, LEAA fully supports the recommendation and is pursuing several major programs in this area.

One of LEAA's objectives, as noted in the GAO report, was the establishment of a separate Evaluation Division within the National Institute of Law Enforcement and Criminal Justice. This Division is being staffed by highly qualified specialists in operations research, mathematics, statistical analysis, and experimental design. These specialists will analyze the data collected from the individual projects and programs, evaluate it, and develop from it the necessary standards and criteria to permit nationwide comparisons of similar projects.

In addition, two new LEAA programs have been initiated within the Technology Transfer Division of the National Institute of Law Enforcement and Criminal Justice. These two programs, namely, the Prescriptive Packages and Exemplary Project programs, will provide model designs for furnishing State and local officials with reliable and tested information on the operation of specific classes of projects for their use on a voluntary basis.

The purpose of the Prescriptive Packages series is to provide criminal justice administrators and practitioners with background information and operational guidelines in selected program areas.

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The guidelines are a synthesis of the best research and operational experience already gained through the implementation of similar direct projects around the nation. The guidelines have been specifically designed for practical application and represent one significant means of effecting technology transfer.

Listed below are three prescriptive packages that have been recently published and nine others that are in various stages of development.

	Title	Status
1.	Handbook on Diversion of the Public Inebriate from the Criminal Justice System	Published
2.	Methadone Treatment Manual	Published
3.	Case Screening and Selected Case Processing in Prosecutors' Offices	Published
4.	Improving Police/Community Relations	Being printed
5.	A Guide to Improving Misdemeanant Court Services	Under review
6.	Counsel for Indigent Defendants	Under review
7.	Guidelines for Probation and Parole	Being prepared
8.	Neighborhood Team Policing	Under review
9.	Police Crime Analysis Units and Procedures	Being printed
10.	Evaluation Research in Corrections	Being prepared
11.	A Manual for Robbery Control Projects	Recently funded
12.	Offender Job Training and Placement Guide	Recently funded

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The following topics, many identified in a spring of 1972 survey of criminal justice planning and operating agencies, are potential subjects for prescriptive packages to be initiated in fiscal year 1974.

1. Major Violation Apprehension and Prosecution Procedures. An examination of methods employed in a variety of law enforcement jurisdictions to increase the effectiveness of arrest and prosecution efforts in the case of major criminal offenders.

2. Law Enforcement Case Review Procedures. An examination of methods employed to identify, analyze, and correct problems involved in the processing of criminal cases from the point of arrest to disposition of charges.

3. Prison Grievance Procedures. An examination of methods and procedures employed in a variety of adult correctional institutions to handle inmate complaints and grievances.

4. Prison and Jail Medical Care Practices. An examination of potential as well as present methods of more effectively delivering medical care to prison and jail inmates.

5. Improved Handling of Juvenile Drug Abusers. An examination of various operational projects and methods employed in the handling of juvenile drug abusers.

6. Improved Burglary Control Efforts. An examination of the many police burglary control projects currently in operation as well as a general review of work done in the area of "target hardening."

7. State and Regional Procedures for Implementing Standards and Goals Recommendations. An examination of newly developed and potential plans, methods, and procedures for implementing standards and goals recommendations at State and regional levels.

APPENDIX I

The Exemplary Project program was initiated to focus national attention on outstanding criminal justice programs that are suitable for inter-community transfer. Over the next year, approximately 12 projects will be given an "exemplary" designation. For each project a manual will be prepared containing comprehensive guidelines for establishing, operating, and evaluating similar projects. These guidelines will be designed to take a criminal justice administrator step by step through the program's operation and will include considerable detail on such matters as budgeting, staffing, and training. Information will also be available on potential problem areas and measures of effectiveness.

To date, two programs have been selected as "exemplary": a community-based corrections program in Polk County, Iowa, and the Prosecutor Management Information System (PROMIS) of the United States Attorney's Office, Washington, D. C. In addition, the following five projects are to be validated under contracts awarded in October:

1. Operation De Novo, Minneapolis, Minnesota

2. Dade County Pre-Trial Intervention

3. D. C. Public Defender Service

4. Los Angeles Police Department's Automated Worthless Document Index

5. Providence Educational Center, St. Louis, Missouri

The report also recommends that LEAA establish (1) uniform information to be gathered on similar-type projects, (2) standard reporting systems for similar-type projects, (3) a standard range of expected accomplishments that can be used to determine if similar-type projects are effective, and (4) standardized evaluation methodologies that can be used to develop comparable results on the impact of similar-type projects.

APPENDIX I

LEAA certainly recognizes the necessity for such data and is in agreement with the recommendations. LEAA's effort in the research and technical assistance programs, coupled with the Exemplary Projects and Prescriptive Packages programs as herein described, demonstrates LEAA's determination to be responsive to the conditions highlighted by the report.

Finally, the report recommends (1) establishing an impact information system which LEAA funded projects must use to report to their SPAs on the effectiveness of their projects, (2) requiring SPAs, once such a system is established, to develop, as part of their State plans, a system for approving individual project evaluations only when it can be determined that such efforts will not duplicate information already available from the impact information system, and (3) publishing annually for the major project areas the results obtained from the impact information system so that Congress and the public will have a basis for assessing the effectiveness of the LEAA program.

LEAA considers the recommendations to be appropriate and implementing action has been initiated. As a part of this effort, the National Criminal Justice Reference Service was established through a contract with the General Electric Company. Further, plans are being formulated to incorporate these recommendations in the Grants Management Information System (GMIS) program. In addition to the GMIS program at LEAA headquarters, data centers are under development in each State. These centers will provide the capability necessary to review past evaluations of similar projects and avoid duplications of effort.

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

Glen E. Pommerening
Acting Assistant Attorney General
for Administration

APPENDIX II

PRINCIPAL OFFICIALS OF THE

DEPARTMENT OF JUSTICE RESPONSIBLE

FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTORNEY GENERAL:		
William B. Saxbe	Jan, 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Donald E. Santarelli	Apr. 1973	Present
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

APPENDIX B-2

FEDERALLY SUPPORTED ATTEMPTS TO SOLVE STATE AND LOCAL COURT PROBLEMS: MORE NEEDS TO BE DONE, MAY 8, 1974

REPORT TO THE CONGRESS

Federally Supported Attempts To Solve State And Local Court Problems: More Needs To Be Done B-171019

Law Enforcement Assistance
Administration
Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on efforts to solve State and local court problems with funds provided by the Law Enforcement Assistance Administration.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO General Accounting Office

LEAA Law Enforcement Assistance Administration

SPA State planning agency

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

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Law Enforcement Assistance Administration
Department of Justice B-171019

D I G E S T

WHY THE REVIEW WAS MADE

Nationwide studies of the courts emphasize one overriding problem--an increasing backlog of untried criminal cases and inordinate delays in bringing those accused to trial.

Because of increasing public and congressional concern over this situation, GAO, during late 1972 and early 1973, reviewed Law Enforcement Assistance Administration (LEAA) grants designed to solve State and local court problems in California, Colorado, Illinois, Massachusetts, New York, and Pennsylvania.

During fiscal years 1969-73, LEAA granted about $1.5 *billion* in block funds to all the States. The States allocated about $180 million of this to programs to improve court procedures and systems.

FINDINGS AND CONCLUSIONS

LEAA has not made sure that its grants for State court improvement programs are directed to causes of the most serious problems in State and local courts.

Neither LEAA nor the States can be certain, therefore, that the grant programs are solving problems that need solving. (See ch. 3.)

Inadequate State plans

The States are primarily responsible for determining that the most serious problems of their criminal justice systems are identified and their causes attacked.

State plans--the bases for receiving LEAA funds--did not, however, adequately define what was needed where, or why, to solve their most critical court problems. (See pp. 14 to 16.)

Many federally funded court projects in the six States may not have been directed at reducing the most serious court problems because information was not available to identify the extent of the problems. (See pp. 16 to 22.)

For example, inefficient court administrative practices are often cited as a primary reason why courts experience backlogs and delays. Five of the States considered backlog and delay to be their most serious court problems. Yet they allocated an average of only 17 percent of their funds to projects to directly improve court administration.

Another 25 percent of LEAA funds were

allocated to projects to improve the prosecution of cases. The States did not have adequate information, however, to determine the extent that inefficient administrative practices or lack of prosecutors caused backlog and delay. (See pp. 20 to 22.)

Lack of adequate court system information and statistics partly caused this problem. For example, no States had compiled adequate statistics on time required to process cases. Without such data, it is difficult to determine which courts have the most serious processing delays and whether or not court improvement projects lessen the problem. (See pp. 16 to 18.)

When State plans addressed various court needs, LEAA did not require States to specify the degree to which Federal grant funds would affect their most serious court problems. Absence of reliable information on court operations also hampered LEAA regional offices from making adequate reviews of State plans. (See pp. 19 and 20.)

Need to improve technical assistance

To provide States with continual, direct technical assistance, a position of court specialist has been authorized for each of the 10 LEAA regional offices. Five offices did not have a court specialist at one time or another during 1973.

This position was vacant at two of the six offices GAO visited. In the other four, the court specialist devoted as little as 30 percent of his time to court-related matters. (See pp. 26 to 28.)

To provide State and local courts with expert assistance and information, LEAA has relied heavily on the National Center for State Courts, a nonprofit organization established in 1971 with LEAA funds, and a technical assistance contract awarded in 1972 to The American University. When GAO did its fieldwork, it was too early to measure the success of these efforts in helping the States. (See pp. 29 to 31.)

As part of its technical assistance responsibilities, LEAA established a reference service by which State court planners and others could find out the results of court projects carried out in all the States. However, projects funded under most grants were not made a part of the service's data base. (See pp. 32 and 33.)

LEAA did not evaluate the results of its court program nor provide States with criteria for evaluation or training in evaluation methods.

The degree of evaluations by State planning agencies ranged from nothing to allowing the subgrantees to evaluate their own court projects. One State official told GAO that only 3 of 38 court projects had been evaluated. Those evaluations generally consisted of describing the project's function rather than its effect on the court system. (See pp. 34 to 36.)

These inadequate evaluations of court projects were consistent with GAO's findings in an earlier report to the Congress on problems of evaluating other types of LEAA-funded projects to reduce crime (B-171019, Mar. 19, 1974).

RECOMMENDATIONS

The Attorney General should direct LEAA to:

--Require States, in planning for court improvement programs, to specify standards and goals and to note what effect LEAA projects will have on attaining these goals.

--Provide States with criteria for evaluating LEAA programs and for training in evaluation methods so that State planning agencies can determine whether or not their court improvement efforts are effective.

--Staff each LEAA regional office adequately so court needs can be determined and so that appropriate technical assistance can be provided.

--Adopt procedures to make sure that LEAA-funded court systems projects are screened for quality and included in LEAA's reference system, if appropriate, so that all States will have access to the results of projects funded in each State.

--Develop court statistical reporting systems, in cooperation with the States, so courts, for example, will be able to measure accurately their progress in reducing caseloads and processing time.

--Determine how effective organizations receiving LEAA funds are in providing technical assistance to the States and to the courts.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice generally agreed with GAO's recommendations and has either started or plans to implement them. (See app. I.)

The Department pointed out that, in addition to the 17 percent of court funds that went for projects to directly improve court administration, an additional average of 25 percent of the funds were used for prosecution projects, which it believed also bear directly on the backlog of cases.

GAO's concern is that the States' planning processes were not refined sufficiently so that the courts' most serious problems were adequately addressed. (See pp. 21 and 22.)

Five of the six States generally agreed with GAO's conclusions and recommendations and pointed out that, as their criminal justice planners have gained more experience, they have started developing better ways to spend LEAA funds more effectively.

The sixth State, California, agreed that data does not exist to accurately identify the causes of backlog and delay. It stated that, since it would be very difficult to establish a standard reporting system that would provide accurate data, the State can only hope that its court projects are reducing delay.

Four States noted that they encounter a major difficulty in dealing with the courts because of the judiciary's independence from the executive branch and its reluctance to become involved with Federal funds. Most of the States said that, because of the separation-of-powers principle, the courts, and particularly judges, have often been reluctant to become involved with State planning agencies.

If the LEAA program is to successfully assist State and local court systems, it is apparent that LEAA and the State planning agencies must find a way to obtain the active participation of the judiciary and court planners in the State planning process.

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MATTERS FOR CONSIDERATION BY THE CONGRESS

This report contains no recommendations to the Congress. However, it clearly shows the extent that problems in developing LEAA-supported State plans and in providing technical assistance have, so far, limited the abilities of States and LEAA to improve court systems. Accordingly, it should provide the Congress with information with which to exercise its oversight responsibilities for LEAA's program.

CHAPTER 1

INTRODUCTION

The Law Enforcement Assistance Administration (LEAA) of the Department of Justice is to help State and local governments reduce crime and delinquency and improve their criminal justice systems (police, courts, and corrections). This report deals with LEAA's efforts to assist State and local courts.

We reviewed LEAA's court improvement program to determine whether

--the program was addressing the most serious problems of the courts,

--LEAA provided adequate guidance and assistance to the States to help them improve their courts, and

--States had developed effective strategies to remedy court problems and to evaluate the results of their efforts.

We did not evaluate the success of individual LEAA-funded projects.

THE LEAA PROGRAM

The Omnibus Crime Control and Safe Streets Act of 1968, which created LEAA, states that criminal justice problems should be dealt with primarily by State and local governments. Consequently, LEAA requires that most of the funds awarded to the States be in the form of block grants to be used as the States choose.

LEAA assistance to the States

Improving court systems is an integral part of LEAA's program. Each jurisdiction has a State planning agency (SPA) which receives funds from LEAA to develop, in conjunction with local planning groups, the annual comprehensive plan for improving law enforcement, courts, and corrections functions. These plans should define the State criminal justice system's problems and needs and the types of programs

intended to solve these problems. Funds received from LEAA to implement the plan are called action funds.

After LEAA reviews and approves the State plan, it awards the State a block grant to implement it. The amount of block grants are based on population and comprise 85 percent of all action funds given to the States. The remaining 15 percent is awarded at LEAA's discretion. After receiving its block grant, an SPA solicits proposals for projects and awards funds for those recommended by State agencies and local governments.

According to LEAA, during fiscal years 1969-73, LEAA granted the States about $1.5 billion in block funds from which the States allocated about $180 million to court-related programs. LEAA also told us that, at its discretion, it had awarded about $43 million in grants directly to cities, agencies, organizations, and individuals for special court-related projects.

LEAA has about 320 staff members at its headquarters and about 280 in its 10 regional offices. The headquarters staff works in three major operating offices which award funds and provide assistance to the States.

--The Office of National Priority Programs is responsible for providing policy and guidelines--including technical assistance--which affect criminal justice agencies nationally or in more than one LEAA region. Before October 1973 the Office of Criminal Justice Assistance was primarily responsible for carrying out these activities and for directing LEAA regional office operations.

--The National Institute of Law Enforcement and Criminal Justice, the research and development arm of LEAA, is responsible for awarding research grants and contracts and for evaluating programs funded by LEAA.

--The National Criminal Justice Information and Statistics Service is responsible for formulating national policy to develop and implement criminal justice information systems and to collect and disseminate statistics on the progress of criminal justice efforts.

The Office of Regional Operations (part of the Office of Criminal Justice Assistance until LEAA's October 1973 reorganization) coordinates the implementation of the LEAA program in the regional offices.

Before 1971 most LEAA authority and responsibility was centralized in Washington, D.C. But in May 1971, as a result of an internal task force's recommendations, the agency was reorganized and decentralized to streamline the delivery of LEAA programs to the States and to bring decisionmaking closer to the point of delivery of services. As a result, the number of regional offices was increased from 7 to 10 and their staffs were at least doubled. The regional offices received most of the administrative and program authority, including the authority to approve State plans, award block and discretionary grants, monitor and evaluate projects, and provide technical assistance to States and local criminal justice agencies. The headquarters staff of three full-time personnel was responsible for developing overall policies and regulations.

To continually assist State and local court personnel and review and approve the court sections of State plans, LEAA has authorized one court specialist for each regional office.

The National Institute of Law Enforcement and Criminal Justice has three staff members assigned full time to court-related efforts. They are to award research grants and contracts, monitor their progress, evaluate their results, and arrange for publishing and disseminating the results of successful efforts.

THE ROLE OF SPAs

The States must establish SPAs to prepare comprehensive plans, review and approve applications for financial aid submitted by their political subdivisions, distribute grant funds to local jurisdictions, and assist applicants. SPAs must coordinate, direct, and support the efforts of the components of their criminal justice system. Local input to the SPA decisionmaking process is provided by local or regional planning units. Final decisionmaking authority rests with the SPA Supervisory Board, which represents the interests of police, courts, correction activities, and the local communities.

Each SPA has a number of full-time personnel. Of 50 SPAs, 32 have 20 or fewer staff professionals to perform the 5 basic SPA functions of planning, administering grants, monitoring grants, evaluating projects, and auditing.

Each SPA designates at least one staff member as a court specialist. This person is responsible for involving court officials in the planning process, developing and writing the court section of the State plan, assessing and evaluating the problems and needs of the courts, and insuring that LEAA funds address these problems and needs.

CHAPTER 2

BACKLOG AND DELAY: THE MOST SERIOUS PROBLEM

Nationwide studies of the courts emphasize one overriding problem--the increasing backlog of untried criminal cases and the inordinate delay in processing such cases.

In February 1967 the President's Commission on Law Enforcement and Administration of Justice reported that our courts needed reform and concluded that the traditional methods of court administration have not been equal to managing huge backlogs of cases. In the Commission's opinion, justice was being denied in the United States because of the inordinate delay between arrest and final disposition. In January 1973 the National Advisory Commission on Criminal Justice Standards and Goals issued its "Report on the Courts" which noted that backlog and delay was still one of the most serious problems facing our courts.

Five of the six States we visited considered it one of their most serious criminal justice problems. Although Colorado officials did not consider it to be a serious statewide problem, they considered it one of the most serious problems in Denver. Statistics on pending cases in State courts handling felony prosecutions provided by two SPAs we visited illustrate the extent of the problem.

	Case backlog at end of fiscal year			
	1969	1970	1971	1972
Colorado	3,409	4,053	4,705	5,429
Massachusetts	18,306	22,656	28,318	33,194

DELAYS EXCEED SUGGESTED STANDARDS

The sixth amendment to the Constitution guarantees a speedy trial in all criminal prosecutions. To define a speedy trial, various study groups have suggested standards for disposing of felony cases. In addition, 15 States have legislated a specific time limit by which a defendant must be brought to trial. However, the States have no agreement on what the remedy should be when the right to a speedy trial is violated.

The President's Commission proposed standard maximums of 81 days from arrest to trial and 102 days from arrest to sentencing. The National Advisory Commission recommended that the time from arrest to trial for a felony generally should be no longer than 60 days.

To obtain some indication of the extent of delay, we randomly selected 200 felony cases concluded during the year ended June 30, 1972, in the New York County branch of the New York Supreme Court. Analysis of the time from arrest to sentencing, using the standards suggested by the President's Commission, showed the following.

Processes involved	Suggested time	Actual average time
	(days)	
Arrest to guilty plea, start of trial, or dismissal	81	243
Trial verdict or guilty plea to sentencing	21	50
Total	102	293

An LEAA-funded study of pretrial delay by researchers from Case Western Reserve University Law School included analyzing more than 1,600 felony cases from Cuyahoga County, Ohio, which includes Cleveland. The analysis showed that the average time from arrest to trial was 245 days, or about 8 months.

In January 1972 Notre Dame University completed a study of court delay, also sponsored by LEAA, which covered the courts of felony jurisdiction in two counties in Indiana which include Indianapolis and South Bend. The statistical analysis of a sample of 2,500 cases showed that the average time from arrest to sentencing was 210 days, or about 7 months.

IMPACT ON THE QUALITY OF JUSTICE

Criminal justice experts agree that case backlogs and processing delays have a negative effect on the quality of

justice, reduce public confidence in the criminal justice system, and are unfair to the accused.

The Case Western Reserve researchers concluded that long delays make the criminal justice system unable to adequately protect society, deter others from committing criminal acts, or rehabilitate the offender.

The President's Commission estimated that as many as 90 percent of defendants in some jurisdictions do not go to trial but plead guilty as a result of bargaining about the charge or sentence.[1]

The President's Commission defines "plea bargaining" as negotiation between the prosecution and the defense whereby the defendant agrees to plead guilty in return for a lesser charge or a recommendation to the judge that a lighter sentence be imposed. The defendant is thus given leniency, and the prosecution disposes of a case without bringing it to trial. The Commission considered it an acceptable means of disposing of criminal cases since a trial is unnecessary in most cases because the facts are not in dispute.

In testimony before a Senate subcommittee, the President of the National District Attorney's Association stated that, if most cases were not disposed of through negotiation, the court dockets would be so clogged that the criminal justice system could not operate.

Although the President's Commission acknowledged the merit of the negotiated plea, it recognized that, in hard-pressed courts the procedures for plea bargaining are subject to serious abuses, including

--too much leniency for a guilty plea and too much harshness for a not-guilty plea,

--quick decisions based on the desire to clear the calendar rather than on the offense and the offender, and

--informal, unsupervised, and unreviewed negotiations.

[1] Data available on 190 of the 200 felony cases we sampled in the New York State Supreme Court, New York County, showed that 165 dispositions, or 87 percent, resulted from guilty pleas.

In 1973 the National Advisory Commission recommended that plea bargaining or any form of plea negotiation be eliminated within 5 years.

Criminal justice experts have also concluded that long delays can be damaging to a defendant, whether he is innocent or guilty. If an accused, but innocent person is not allowed to post bail or is unable to do so, he remains in jail for a prolonged period. This could result in

--job loss,

--family breakup,

--the requirement for public welfare to support his family, or

--an inducement to plead guilty to avoid trial.

A guilty defendant is also ill served by delay since he cannot be moved into a rehabilitation program until guilt or innocence has been determined.

Delay results in overcrowding jails with persons awaiting trial or sentencing. For example, in August 1972, three detention facilities in New York City were filled to 154, 188, and 164 percent of capacity. Citywide, detention facilities were filled to 153, 111, and 130 percent of capacity at the close of calendar years 1969, 1970, and 1971, respectively.

Finally, criminal justice experts believe that court delay lessens public confidence and respect for the criminal justice system. Society loses confidence in the system when defendants on bail commit further criminal acts or when cases are dismissed after extended delays.

The causes of delay are varied and complex. In addition to the courts, the police, correctional institutions, and the public also contribute to delay. Continuances in cases can be requested by the prosecutor or defense because of unpreparedness, unavailability of a key witness, or to gain some strategic advantage that could influence the final disposition. Police or witnesses may not appear in court at the scheduled time; judges may choose to work short court hours; outmoded facilities may disrupt efficient courtroom

operations; the court clerk may misschedule cases; the correction official may fail to get the defendant to the courtroom at the designated time. More crimes may be committed. More effective police work may result in the arrest of more suspects.

Obviously, the courts can only correct part of the problem. However, to even begin to address those problems the courts can control, court planners need to dentify the extent to which specific factors cause backlog and delay in their courts.

CHAPTER 3

STATE PLANS SHOULD BE MORE SPECIFIC AND BASED ON DATA WHICH SHOWS COURT NEEDS

LEAA has not insured that court improvement programs are identifying and addressing the causes of the most serious court problems. Because most LEAA funds are provided as block grants, it is important for LEAA to insure, through adequate technical assistance and proper planning and evaluation, that they are being used to have the maximum impact on the most serious problem--backlog and delay. LEAA funds are an important means of attacking this problem, since most State and local court funds are, of necessity, used for day-to-day operating costs.

Although LEAA is responsible for approving the plans of each State and providing assistance and guidance to them, it has not insured that the court sections of State plans are specific, goal oriented, and based on needs as demonstrated by analysis of court problems.

The six States had not developed specific strategies to reduce backlog and delay. By not developing specific data, States may not be identifying the extent of their courts' most serious problems and consequently the extent to which they should commit resources to solve them.

STATE PLANS ARE TOO GENERAL

The court section of the State comprehensive law enforcement plan should lay the groundwork for systematically improving court systems. According to LEAA, the section should be an action plan which identifies problems and needs in terms of priorities, sets goals and specifies programs to accomplish goals, and defines expected results. The plan should be the criteria by which limited resources are allocated, program implementation is directed and controlled, and results are evaluated. LEAA requires that the plan describe (1) the existing court system, (2) problems and needs, (3) ways LEAA funds will be used, and (4) past progress.

Backlog and delay was reported to be the most serious court problem in five of the six States visited. However,

descriptions of court problems and of needs for and uses of LEAA funds in their State plans were vague and not geared to specific problems. The needs and problems segment in the California plan stated that exact causes of delay had not been determined. Illinois claimed that the most difficult task in bringing about court improvement was determining what was really wrong with the system. New York State's needs were stated in general terms, citing, for example, the need to improve the quality of justice and the need for adequate training of people working in the system, readily accessible information for people in administrative positions, and adequate facilities in which to conduct business.

In the segment of the State plans describing how LEAA funds would be used, program goals (1) were not specifically defined, (2) were stated so that measuring results was difficult, and (3) were not specifically related to reducing backlog and delay.

Examples of general objectives were

--"* * * to assist * * * courts in achieving full potential * * * through maximum utilization of the resources of the system and adoption of modern procedures and technology."

--"to increase the degree * * * courts are effectively centrally managed."

--"to encourage judicial practices in the commonwealth which are likely to aid offenders in lawfully functioning in society."

--"Courts, district attorneys, and defender services are encouraged to develop proposals for the improvement of their managerial capabilities. Such programs might involve for example, planners or management analysts for large operating courts or agencies, or court executives of busy metropolitan courts."

The National Advisory Commission's "Report on Courts" contains standards and recommendations which can help in measuring project results. State plans should contain specific goals, such as those recommended in the report. For example, the Commission recommended that:

--A defendant be presented before a judicial officer within 6 hours of the arrest.

--A preliminary hearing, if needed, be held within 2 weeks following arrest.

--All pretrial motions be filed within 15 days of the preliminary hearing, the waiver of the preliminary hearing, or apprehension or service of summons following indictment.

LEAA does not want to require States to adopt the specific standards developed by the Commission but has said it will encourage them to set standards and goals. The LEAA Administrator commended the Commission's process for setting standards and goals to every criminal justice agency.

In October 1973 LEAA adopted the recommendations of an internal management committee report that it and the SPAs adopt a plan in 1974 to insure that States develop appropriate standards and goals to improve their criminal justice systems and that LEAA encourage States to use standards and goals in their planning processes.

Our work in the six States showed that a need exists for developing and establishing specific goals and standards so the planning process can be improved. LEAA should require all States, as part of developing comprehensive court sections of the States' plans, to specify what standards and goals they plan to adopt and why they are not adopting others recommended by the Commission. For example, the plans could include a statement, when possible, of the anticipated effect projects will have on case backlogs and case-processing time.

Inadequate statistical data

One of the primary reasons the plans were general was that SPAs lacked current and reliable data to identify the existence, location, and possible causes of court problems. None of the SPAs had adequate statistics on case-processing time and three of the six SPAs told us they lacked overall reliable data on their courts' operations. SPAs also indicated that they had no inventory data on their court facilities; no data on their usage; and only incomplete data on the number of judges, district attorneys, and public defenders, and their respective caseloads. This information

is vital if the SPAs are to adequately assess the courts' problems and develop projects.

In its 1973 plan submitted to the Illinois SPA, the Chicago planning region commented on the lack of court information as follows:

> "One of the most difficult aspects of defining the court system is the lack of adequate data. The information storage and retrieval capacity of the entire judicial process component of the criminal justice system--prosecution, defense, trial, sentencing--is uncoordinated and extremely inadequate.
>
> "Certainly the greatest need in the court system besides additional space and manpower is a modern data center which should not only be used for day-to-day operations but also to provide the statistical data necessary for rational and orderly planning."

The August-September 1972 issue of the "Journal of the American Judicature Society" contained research results which supported the above conclusion. The research showed that only limited court statistics are available nationally and that, with few exceptions, recordkeeping in court systems is in a primitive stage. The most rudimentary management information needs are not being met in most jurisdictions. Available court statistics are fragmentary and, in many instances, poorly defined. Despite the need for a more expeditious handling of criminal cases, few courts collect data on the time taken to process and dispose of their criminal cases.

The SPAs we visited told us either that such information was not available in their States or that they had not attempted to obtain it previously because of difficulties in developing adequate criminal justice planning systems. Although the SPAs had no information on how long it took the courts in their States to process felony cases, several, such as Illinois and New York, have begun studies to develop the data.

Because of an absence of empirical data showing the extent and causes of court problems, the programs developed in the court sections of State plans reflected individual opinions and judgments and everyday experience. It is essential that experience be used in developing State plans. However, the LEAA program has been operating long enough so data should be available to permit more objective decisions concerning the allocation of substantial resources.

LEAA has begun to assist States in developing court information systems which will provide statistical data on court administration and operations. In June 1973 it awarded $2.2 million for 11 States to develop court information systems over a 2-year period. As of December 1973 the States had only developed preliminary plans to implement the project. LEAA expects the States to begin developing systems in 1974. If effectively carried out, this project could help in developing a system applicable to all States.

Other factors may have contributed to the reluctance of some SPAs to collect statistical data on court operations. For example, at one SPA we were told that, even if its staff knew the jurisdictions with the greatest amount of court delay, they usually only approved court projects for those courts which were receptive to change and would therefore be willing to demonstrate new approaches. Two other SPAs told us that there was not enough staff or that the staff lacked the time to collect data and the capability to research court problems.

An LEAA official responsible for court improvement efforts acknowledged that SPAs generally based their court plans on opinion rather than statistically supported statements of needs and problems and that some still propose projects not based on demonstrated problems. He agreed with us that State plans should be more specific and adequately supported and that problems and needs should be documented before LEAA approves the plan.

LEAA REGIONAL OFFICE REVIEW OF STATE PLANS' COURT SECTIONS SHOULD BE IMPROVED

The LEAA regional office reviews State plans primarily to insure that they are comprehensive. LEAA requires that a plan address each major component of the criminal justice system and that each important element within an area, such as the courts, be allocated funds.

LEAA has developed general guidelines for the regional offices to follow in such reviews. These guidelines did not require the plans to include specific data justifying specific projects.

Thus, LEAA's regional offices did not require or encourage the States to include in their plans specific quantifiable goals supported by specific statistical or other analytical data. They had no assurance that (1) the States were funding projects designed to solve their most serious problems or (2) the approved plans would have a significant, or any, impact on case backlogs and delays.

LEAA regional office plan reviewers used guidelines prepared by LEAA Headquarters in November 1971 to analyze plans. The guidelines specifically mention that the State plans must discuss case backlogs, court personnel, court management, judicial training, court administrative structure, criminal code revision, law student interns, and court operating manuals; if they do not, the plans should note why.

The State plans, however, generally did not contain information to show the extent that these needs were being met. Apparently, the regional office staff did not always follow the guidelines when reviewing the court sections of the State plans for comprehensiveness.

LEAA Headquarters also has issued a Comprehensive Plan General Checklist, but its primary purpose is to help a regional staff insure that plans comply with LEAA format requirements and are comprehensive. LEAA considers a court section of a plan comprehensive if it contains various types of adjudicative programs (such as training, court administration, bail reform, and facility improvement), assists prosecutors and defenders as well as the court itself, and explains how the needs in these areas are being met.

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Generally, the review of the technical adequacy of the court section of the plan is left to the judgment of the court specialist, who is to rely on his knowledge of the court systems in his region. If the regional office has no court specialist or if he is not knowledgeable about the court systems in the region, the effectiveness of the review of the State plan is diminished. For example, the court sections of 1973 State plans in one LEAA region received no technical review because the regional office staff had no court specialist. In another region, due to the absence of a court specialist, the corrections specialist reviewed the court sections of State plans.

These factors can be even more serious if the State plan lacks adequate support for proposed programs and the needs for such programs because LEAA regional offices do not have independent sources of data which they can use to critically evaluate the appropriateness of State plans.

An LEAA headquarters official told us that he believed only half the LEAA regional offices had staff capable of reviewing or evaluating the adjudication-related programs or court sections of the State plans. He said this situation existed because (1) personnel lacked expertise to deal with court problems, (2) turnover of personnel with adjudicative experience was frequent, and (3) LEAA's plan to put a court specialist in each regional office was never carried out. LEAA officials told us it was difficult to hire qualified people for the position because the authorized salary level was not commensurate with the qualifications required. (Staffing problems are discussed in detail on pp. 27 to 29.)

LEAA plans to provide specific guidelines for regional office review and approval of State plans to insure that they are adequately supported and problems and needs are documented before approval is granted.

TYPES OF COURT PROJECTS FUNDED BY THE SIX STATES

LEAA data showed that the six States funded the following types of court-related projects.

LEAA-Sponsored Court System Projects
in the Six States Visited
(Percent of Total Funding
by Court Related Program Area)

	California	Colorado	Illinois	Massachusetts	New York (note a)	Pennsylvania
Prosecution (including case-screening and offender-diversion projects)	34	15	35	23	33	23
Defender services	1	1	24	11	8	19
Court administration (including management studies, case-calendaring projects, and information systems)	29	28	8	16	21	11
Adult and juvenile probation and ex-offender programs	20	44	8	27	25	29
Training, conferences, and seminars	11	12	8	11	5	11
Bail reform				2	5	4
Miscellaneous projects (including facilities renovation, legal intern projects, criminal code studies, etc.)	5		17	10	3	3
Total dollar value of projects	$4,304,846	$3,571,063	$8,042,697	$2,255,794	$19,920,206	$3,176,210

[a]Does not reflect three LEAA grants totaling $12.5 million for the operations of special narcotics courts in New York City.

Source: LEAA Grants' Management Information System--projects funded from 1969 through March 1973 (through March 1972 for Pennsylvania). (Not audited by GAO.)

Although backlog and delay is considered the primary court problem in all States visited except Colorado, those five States spent an average of only 17 percent of their court-related funds for projects to directly improve court administration. However, inefficient court administrative practices are often cited as one of the primary reasons why courts experience backlog and delay.

Some of the other projects in the six States were either only indirectly related to easing the backlog and delay problem or related to projects which, although of long-term benefit, did not appear to promise any immediate assistance to solving the problem.

For example, about 35 percent of total court projects funded in the six States were for probation, ex-offender, or

training-related activities. Training can increase the efficiency of court system personnel and result in speedier case dispositions. Probation projects can rehabilitate individuals, thereby decreasing the recidivism rate and the number of persons handled by the criminal justice system. However, both types of projects will not immediately affect the backlog and delay problem.

In its comments on this report, the Department of Justice noted that an average of 25 percent of the funds were used for prosecution projects which, it believed, also bear directly on backlog and delay. We do not mean to imply that prosecution, probation, or training projects should not be funded or that they are not vital to improving our courts. Rather, SPAs should have a strategy for determining the various court problems and their causes and for allocating their funds adequately to address the causes of those problems.

The lack of data on the courts' problems, as discussed on pages 16 to 18, precluded the SPAs from developing such strategies. For example, the SPAs did not have adequate data to show the extent to which such factors as inefficient administrative practices or lack of prosecutors may have caused court backlog and delay. By refining their planning strategies to eliminate the problems noted earlier in this chapter, the SPAs should be able to get better data so they will have better assurance that resource allocation corresponds to the needs of their criminal justice systems.

CONCLUSIONS

The LEAA program did not insure that courts were identifying and addressing the causes of their most serious problems. Consequently, neither LEAA nor the States can be certain that their efforts are resolving these problems. Although funding various court improvement projects will have some impact on such serious problems as case backlogs and case processing delays, LEAA's plan approval process has not guaranteed that this is happening.

To be an effective guide for action, the plans should lay the groundwork for systematically improving court systems. LEAA has not insured that the court sections of State plans are specific, goal oriented, and based on needs as demonstrated by analysis of court problems. The State plans did not present a systematically developed strategy for identifying and addressing the causes of their courts' most serious problems primarily because

--the SPAs lacked current and reliable data to identify the existence, location, and possible causes of court problems and

--LEAA's regional offices did not require or encourage the States to include in their plans specific quantifiable goals supported by specific statistical or other analytical data.

RECOMMENDATIONS

We recommend that the Attorney General direct LEAA to

--require States to specify standards and goals in their plans for court improvement programs and to note what effect the projects will have on attaining these goals and

--develop court statistical reporting systems, in cooperation with the States, so courts, for example, will be able to accurately measure their progress in reducing caseloads and processing time.

AGENCY COMMENTS AND GAO EVALUATION

In a March 25, 1974, letter the Department of Justice stated that it generally agreed with our recommendations and had started to implement them. The Department noted that LEAA has given increased emphasis to the courts in the past year. (See app. I.)

The Department agreed that the States should specify standards and goals for court improvement programs and noted that the LEAA 1974 planning guidelines to SPAs encourage States to use standards and goals in their planning process, and that, by fiscal year 1976, States must have comprehensive standards and goals to serve as a basis for planning and as a guide to funding.

The Department noted that LEAA has underway an effort to develop statistics on court operations. To determine the usefulness of such statistics we suggest that LEAA analyze the court sections of State plans, once the statistical effort is fully operational, to see if the information was used to improve the planning process.

Five of the States reviewed generally agreed with our conclusions and recommendations and noted that, as their criminal justice planners have gained more experience, they have started developing better ways to more effectively spend LEAA funds. The sixth State, California, agreed that data does not exist to identify accurately the causes of backlog and delay. It stated that since it would be very difficult to establish a standard reporting system that would provide accurate data, the State can only hope that its court projects are reducing delay.

Four of the States we reviewed advised us that they encounter difficulty in dealing with the courts because of the judiciary's independence from the executive branch and its reluctance to become involved with Federal funds. Because of the separation-of-powers principle, the courts, and particularly judges, have often been reluctant to become involved with State planning agencies.

One State official told us

> "The courts are a separate branch of government and the administration of the courts by the executive branch (by LEAA and the SPAs) is a very delicate undertaking. Many SPA court planners have never met the Chief Justices or major presiding judges in their States. To assume that the SPA can bring about change by writing ambitious plans and awarding large grants without the cooperation and dedication of the judiciary is to overlook reality."

If the LEAA program is to successfully assist State and local court systems, it is apparent that LEAA and the SPAs must find a way to obtain the active participation of the judiciary and court planners in the State planning process.

CHAPTER 4

TECHNICAL ASSISTANCE SHOULD BE STRENGTHENED

The success of a block grant-in-aid program depends largely on the amount and effectiveness of technical assistance available to avoid past failures, transfer innovative and effective programs, develop model programs, provide specialized expertise, and evaluate particular approaches to problems. LEAA has not provided sufficient direct technical assistance to the SPAs to enable them to assist their State and local courts.

LEAA'S TECHNICAL ASSISTANCE

LEAA is responsible for providing technical assistance to the States in planning and implementing their court improvement programs. This assistance can be provided by (1) LEAA personnel directly, (2) individuals at LEAA's request under a special grant or contract, and (3) national or regional organizations under an LEAA grant or contract. LEAA's regional offices are responsible for furnishing most direct technical assistance to the States.

LEAA's technical assistance section is to help formulate LEAA policies and develop management techniques for the regional offices to use to assist the States. It is responsible for developing LEAA's national strategies in the major areas of the criminal justice system, including courts. Its staff should have an overview of court problems and should assist in developing the technical assistance capability in the regional offices.

The section had only limited success in providing guidance to regional office court specialists and improving their capabilities. It drafted a plan review checklist for court specialists; noted qualifications for the position; and held meetings, conferences, and seminars to instruct the specialists. As discussed below, no formal program exists to insure that in each regional office fully qualified court specialists are hired and trained or that they assist the States in developing effective court improvement programs.

Regional office court specialist positions

Regional court specialists provide technical assistance to the States by giving

--information or instruction on how to administer LEAA grants,

--guidance or supervision in program development or research design, and

--assistance in systems analysis and review, program evaluation, technology transfer, and staff training.

These activities, which require day-to-day contact between the States and the specialists, are necessary so the States can adequately determine what their specific needs are and possibly seek expert advice from consultants or contractors.

Although LEAA has authorized its regional offices to hire one court specialist, the position was unfilled in two of the six regional offices we visited. In two other offices the court specialists devoted only 30 to 50 percent of their efforts to court-related activities because they had other duties. One court specialist split his time between court activities and organized crime work. The other spent most of his time as chief of the regional office's control division responsible for reviewing and administering all grants awarded within the region. His remaining time was divided among court-related work, coordinating drug abuse programs with the Office of Drug Abuse and Law Enforcement, and handling civil rights compliance matters for the regional office.

The remaining two court specialists estimated that they spent about 85 to 90 percent of their time reviewing court plans or dealing with SPA, other State, or LEAA Headquarters officials on matters pertaining to court problems or projects. One specialist was scheduled to assume additional duties as a State representative--a nonspecialized function--and, after our review, the other was assigned the additional duty of regional office contract reviewer. It is questionable whether the court specialists will be able to adequately carry out their primary responsibility, given all the other duties they are required to assume.

At least half of the 10 LEAA regional offices did not have court specialists at one time or another during 1973. As of November 1973 four offices still did not have court specialists. Three of the remaining six regional offices had turnovers in the position during the past 2 years. Even when the regions had such specialists, they spent part of their time handling non-court-related work. Thus, LEAA did not appear to provide adequate, continuous court assistance to SPAs.

At an April 1972 meeting, regional office court technical assistance personnel made the following observations on the effectiveness of LEAA's and the SPAs technical assistance.

--New technical assistance specialists need to get to know the people in the system and are presently bogged down reviewing State plans which they have had no hand in shaping.

--Some specialists have been asked to wear "other hats" by their regional administrator. This cuts into the time that they can spend on court matters.

--In some regions the territory is too big for one court specialist to cover effectively.

--LEAA's Technical Assistance Division should review the court operations in all 10 regional offices and issue guidelines on how the court specialist should operate.

--Some SPAs lack the ability to handle court work.

--Some SPAs experience a high rate of personnel turnover.

The LEAA official primarily responsible for court improvement told us he was concerned over the lack of court expertise in the regional offices and that the reorganization plan to put a court specialist in every regional office was not fully carried out. He did not believe that LEAA's court program had been given sufficient priority either nationally or regionally.

SPA court specialists

The SPAs also had problems in hiring and keeping court specialists. An LEAA staff paper prepared and distributed to the States in late 1972 stated that the work of the SPA court specialists was vitally important to the State plan. It noted, however, that qualified court specialists were difficult to recruit and that those recruited were often too inexperienced or were incapable of meeting the demands of the position.

We did not evaluate the court specialists' qualifications but noted a high turnover rate in this position in the States visited. For example, one court specialist was in that position for only 10 months before resigning in August 1972; another has been in that position only since September 1972, and another was hired in October 1972 but left in March 1973.

Because court planning is an emerging discipline, States have different views of what the court specialist's role should be. Some of the States saw the specialist as an active participant in the State judicial planning process and as a catalyst to bring about change; others saw him merely as a collator of ideas received from court personnel. In the six States the specialists often functioned as legal counsels to the SPAs or performed other duties, such as drafting legislation, in addition to handling the administrative matters pertaining to the application, review, approval, and award of grants for court projects.

Each State can help insure that adequate staffing is available to handle its court matters if it clearly defines what the role of its court specialist should be.

Technical assistance by non-LEAA experts

Although court specialists are to give the States general guidance on developing their plans to solve court problems, LEAA has relied on consultants or contractors to give the States expert advice on specific problems, such as data management in the courts.

LEAA has provided about $5 million to the National Center for State Courts and awarded a $350,000 technical

assistance contract to The American University to enable State and local jurisdictions to receive technical assistance. The Center, a nonprofit organization representing the States, was started in 1971 to help State courts improve the administration of their court systems. The contract with The American University has been effective since 1972 and provides professional assistance to courts which request help for specific problems.

We did not evaluate the work done by the Center or by consultants under the American University contract. However, as of January 1973, because of the newness of the contract, State and local courts in half the States had not requested assistance under the American University contract and, in those States that did, requests were made from only one or two courts. Further, LEAA had not evaluated the results of technical assistance provided under the grant or contract.

The Center said it planned to establish several regional offices with permanent staff so that it could eventually provide ongoing technical assistance to States. A Center official said that as of mid-1973 the Center had not established a permanent organizational structure and had not made any studies on trial delay in criminal courts. He stated that, although the Center has provided some assistance, it is engaged in several major projects and must gain the acceptance of the States before it can give them ongoing assistance.

The Center has undertaken one major project funded by LEAA to attack the delay problem in appellate courts. Screening staffs have been installed in appellate courts in four States to assist in preparing appellate cases up to the point of final disposition.

LEAA plans to increase its technical assistance expenditures during fiscal year 1975 by about 25 percent. In addition to the technical assistance discussed above, LEAA has either funded the creation of, or heavily supported the operation of, various other organizations which train judges, prosecutors, defenders, and court administrators and which study court problems. These organizations also serve as resources to States which need assistance.

The American Academy of Judicial Education, the National College of the State Judiciary, the American Bar Association, the Institute for Judicial Administration, the Institute for Court Management, the National College of District Attorneys, the National Center for Prosecution Management, and the National College of Juvenile Court Judges have been the major recipients of about $7 million that LEAA told us it has awarded directly to organizations and individuals for court-related training, studies, and special projects. Funding these activities should result in long-term improvements in court operations and should benefit judges, prosecutors, and defenders by enhancing their capabilities.

With or without the services of outside organizations to provide technical assistance, regional office court specialists are important for insuring the success of the technical assistance program. Each type of activity discussed above would usually deal with specific components of a State's court system. The regional office court specialist should be able to perceive the total system's operations and help SPAs determine how to integrate the benefits provided to specific components of the court system into an overall approach to improve the entire system. The specialists should

--help SPAs identify the types of technical assistance that would be most useful to the people participating in the State and local court systems,

--meet with and coordinate the services of consultant teams, and

--help SPAs use the results of such technical assistance to develop more meaningful State plans.

Thus, to provide timely technical assistance and guidance to States LEAA should develop an effective strategy to insure that its regional offices are staffed with sufficient, capable personnel and that work performed under contract or grants is effectively meeting the needs of the States.

Improvements needed in information activities

The President's Commission on Law Enforcement and Administration of Justice's February 1967 report stated that "Once knowledge is acquired, it is wasted if it is not shared."

LEAA created the National Criminal Justice Reference Service to provide information on court studies and project results to interested parties. The service was established to provide a central reference service for the criminal justice community. It accepts information products from public and private sources, screens them for quality and suitability, and enters them into its data base. Announcements of available reports are regularly sent to users and include quarterly document retrieval indexes which cover all information products acquired by the service during a 3-month period. The reference service furnishes users with copies of documents or informs them as to where they may be obtained. The results of court studies and court improvement projects could be useful to SPAs and their grantees to

--advise them on approaches and methods that have been successful in other jurisdictions,

--prevent duplication of effort,

--preclude the adoption of unsuccessful approaches, and

--save the normal costs to develop and start a project.

Although the information being collected and disseminated by the National Criminal Justice Reference Service is useful, improvements are needed so users can obtain more complete information.

None of the six LEAA regional offices we visited had established formal systems for disseminating within their regions the results of court projects done in other States, although the regional offices did occasionally send copies of studies or project reports to organizations which might be interested in them.

To be of greatest assistance to its users, the reference service should include as many items on a particular research area as possible. Although research contracts and discretionary grants awarded by LEAA provide that final reports be submitted to the reference service, no similar requirement exists for block grants awarded to the States.

The LEAA project monitor for the National Criminal Justice Reference Service said that several States voluntarily submit reports on the block grant projects but acknowledged that not receiving the results of all such projects lessens the overall effectiveness of the reference service. Thus, the reference service has not been as useful as possible to the States because most projects are funded by block grants.

IMPROVEMENTS REQUIRED IN PROGRAM EVALUATION

Evaluation of results of court improvement programs is necessary to determine

--whether individual local projects are accomplishing planned objectives,

--if a State's overall court program is having an impact on the courts' most serious problems, and

--what works well on a national level and should therefore be replicated and what should be discarded.

LEAA evaluations

Although the Omnibus Crime Control and Safe Streets Act requires that LEAA develop data on its program's success, LEAA neither made such evaluations nor provided an evaluation system that the States could adopt.

The six LEAA regional offices we visited generally did not evaluate court programs in their jurisdictions. Although regional staff monitored specific projects to determine their status and progress, no formal evaluation programs were established. LEAA court specialists told us that they had received no evaluation guidelines from headquarters and that even if they did they would not have sufficient time to formally evaluate all the court projects funded in the States within their jurisdictions.

LEAA attempted to reemphasize its program evaluation responsibilities during the reorganization of the agency in 1971. At that time the Office of Inspection and Review was established and assigned the responsibility to

--define, quantify, and establish goals and objectives for each program within LEAA,

--develop timetables for meeting goals and objectives,

--insure that an adequate performance measurement system was implemented, and

--insure that adequate technical assistance in evaluation was provided to SPAs and other grantees.

However, an official of that Office told us in mid-1973 that LEAA had not evaluated its court-related activities and had not provided training in evaluation methods and techniques to SPAs to equip them with program evaluation capabilities they lack.

The Crime Control Act of 1973[1] requires LEAA to strengthen its evaluation capability and report annually to the President and the Congress on the extent to which LEAA and the States have met the goals and purposes set forth in the act.

The LEAA Administrator stated that improving evaluation capabilities will be one of the primary objectives of LEAA. He said that plans are being formulated to carry out this objective and that LEAA is emphasizing the importance of evaluation.

The LEAA National Institute for Law Enforcement and Criminal Justice's comprehensive evaluation plan, being developed in response to the new legislation, will include evaluation of court projects funded by the Institute and other selected court programs. One major effort by the Institute is an evaluation in four cities of the efforts to implement some of the recommendations of a major study funded by LEAA during 1972. The study cited 25 specific ways to reduce delay in processing cases. Another effort will determine the effectiveness of measures to expedite handling of serious cases by prosecutor offices in two cities.

Evaluations of such projects designed to impact on case-processing time illustrate how the most effective ways of reducing backlogs and delay can be identified. LEAA guidance and direction are essential if LEAA and the States are to know how to evaluate court projects to determine what does and what does not work. A previous GAO report to the Congress,[2] which discussed other types of LEAA-funded projects to reduce crime, also cited the need for LEAA guidance and direction and stated what is needed to evaluate specific projects.

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[1]This act (42 U.S.C. 3701) authorized LEAA to continue its program until June 30, 1976.

[2]"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974).

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Evaluation of court programs by SPAs

LEAA requires that SPAs evaluate at least portions of the projects they fund. However, the number and extent of evaluation of court projects by the SPAs we visited was minimal.

No SPA had evaluated the results of its overall LEAA court program in terms of its effect on case backlog and processing delays. One SPA had not evaluated any court projects, although it planned to do so. Another SPA had evaluated only 3 of its 38 court projects and those evaluations discussed what the projects did rather than what effect they had on the court system.

Officials of the other four SPAs told us either that they were unaware of the extent to which evaluations had been made or that the evaluations were informal and not documented.

The SPAs offered various reasons for their lack of evaluations, including

--lack of standards for evaluating criminal justice system programs,

--inadequate statistical data,

--lack of staff capability, and

--shortage of staff.

The National Advisory Commission on Standards and Goals, in its "Report on Courts," recommended that specific guidelines be developed for evaluating court programs and practices. We support the Commission's recommendation and believe that LEAA's efforts to assist the States in developing this capability should be expeditiously carried out so the States will know what is working and can effectively plan and attack the most serious court problems in their States.

CONCLUSIONS

LEAA did not provide sufficient direct technical assistance to the SPAs to enable them to assist their State and local courts, primarily because LEAA's regional office court specialist capabilities were weak. Because of this weakness,

and the SPAs' difficulties in hiring and keeping court specialists, LEAA has relied on consultants and contractors to provide the States' court systems with expert advice on specific problems. LEAA has not evaluated the results of the consultants' and contractors' efforts and consequently does not know how effective their efforts have been.

LEAA also did not evaluate the results of its overall court improvement program and did not provide the States with criteria for evaluation or training in evaluation methods. Until LEAA and the SPAs improve their evaluation capabilities they cannot be certain which court improvement efforts are working.

LEAA is compiling information on completed projects in its reference service data base so that results might be shared with others. The reference service has not been as useful as possible to the States, however, because it does not regularly include the results of most projects funded.

LEAA guidance and assistance to help States solve their court problems and evaluate their improvement efforts has not been adequate. With effective program evaluation and technical assistance, however, LEAA and SPAs can begin to insure that they will obtain the maximum possible benefits from the resources they allocate to court improvement programs.

RECOMMENDATIONS

We recommend that the Attorney General direct LEAA to

--provide States with program evaluation criteria and training in evaluation methods so SPAs can assess the effectiveness of their court improvement efforts,

--staff each LEAA regional office adequately so court needs can be assessed and appropriate technical assistance can be provided to States,

--adopt procedures to insure that LEAA-funded court system projects are screened for quality and included, if appropriate, in the data base of the National Criminal Justice Reference Service, so that all States will have access to the results of projects funded in each State, and

--assess the effectiveness of the organizations which receive LEAA funds to provide technical assistance to the States and their courts.

AGENCY COMMENTS AND GAO EVALUATION

The Department generally agreed with our recommendations and had either started or planned to implement them. (See app. I.)

The Department noted that LEAA plans to evaluate the efforts of one of the major groups it has contracted with to provide the States with court-related technical assistance and that another technical assistance contractor is being evaluated. To insure continued assessment of contractor's efforts, we believe LEAA should plan to evaluate the technical assistance efforts of all contractors dealing with the courts, not just the two noted in the Department's response.

According to the Department, the Office of Evaluation, a part of LEAA's National Institute of Law Enforcement and Criminal Justice, will develop evaluation criteria for the various court programs. Each LEAA regional office now has or is actively recruiting court specialists so they can provide adequate technical assistance.

The Department said that LEAA will include the results of block grant projects in its reference service. However, the Department's response was unclear as to how LEAA would screen such projects for quality to insure that only useful information is disseminated. Such a screening process is essential to make the reference service as effective as possible.

CHAPTER 5

SCOPE OF REVIEW

Our findings and conclusions are based on our work at LEAA Headquarters; at 6 LEAA regional offices having responsibility for 29 States and 5 other jurisdictions; and in California, Colorado, Illinois, Massachusetts, New York, and Pennsylvania. These six States accounted for about 31 percent of all State allocations of LEAA funds to court-related programs. We did most of our fieldwork from January to April 1973.

We reviewed (1) LEAA's processes for approving State plans, monitoring and evaluating programs, and providing technical assistance to grantees and (2) the States' procedures for identifying courts' problems and the way the results of improvement projects were evaluated. We also reviewed available studies and interviewed LEAA and State officials. In some States we talked with representatives of State judicial, prosecutor, and public defender organizations to identify problems of the courts and proposed solutions.

We did not fully evaluate the activities of the organizations visited but did review the impact of LEAA's and the States' efforts to improve their operations.

APPENDIX I

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

March 25, 1974

Mr. Daniel F. Stanton
Assistant Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Stanton:

This letter is in response to your request for comments on the draft report titled "Efforts to Assist State and Local Courts Should be Improved" (B-171019).

Generally, we agree with the report and its recommendations and share GAO's concern regarding the need for effective planning, evaluation, and technical assistance to assure that maximum possible benefits are obtained from the resources allocated to court improvement programs. In the past, only limited staff and funds have been available to devote to improvement of State and local court systems. Within the last year, however, there has been a dramatic increase in both State Planning Agency (SPA) block grants and Law Enforcement Assistance Administration (LEAA) discretionary grants for funding court projects. Concurrent with the increase in funds, plans were initiated to increase the LEAA Central Office courts staff and undertake a new courts program initiative.

The report recommends that LEAA require States to specify standards and goals in their plans for court improvement programs and to note the effect their projects will have on attaining these goals. We recognize the need for standards and goals, and, as early as 1970, the LEAA Guide for Comprehensive Law Enforcement Planning and Action Grants required the SPAs to provide statements of objectives or goals. These goals were to be concise, informative and related to identifiable needs, problems and priorities. Where possible, plans were to include quantifiable goals supported by specific statistical or analytical data.

APPENDIX I

The Omnibus Crime Control and Safe Streets Act of 1968, as amended by the Crime Control Act of 1973, further strengthened the requirement that each State's comprehensive plan must establish "goals, priorities and standards" for crime prevention and reduction. Additionally, in October 1973, LEAA adopted the recommendations of an internal management committee report. This report suggested that LEAA and the SPAs adopt a plan in 1974 encouraging States to develop appropriate standards and goals to improve their criminal justice systems with the provision that LEAA provide guidance to the States in their planning process. These recommendations were implemented in an LEAA Guideline Manual for State Planning Agency Grants (M 4100.1B) issued December 10, 1973. Each State is to begin incorporating "standards, goals, and priorities" into their Fiscal Year 1974 Comprehensive Plan. To meet the statutory requirements of the Safe Streets Act by FY 1976, each State must have a comprehensive set of standards and goals that can serve as a basis for planning and a guide to funding.

The draft report also recommends that LEAA provide States with program evaluation criteria and evaluation methods training so the SPAs can assess the effectiveness of their court improvement efforts. As early as November 1971, LEAA guidelines have required SPAs to evaluate their programs and projects and ascertain the effectiveness of their court improvement efforts. Presently, LEAA is taking action to significantly improve their assistance to States in the program evaluation area. As a first major step, a new Office of Evaluation, which will develop evaluation criteria for the various court programs, was established within the National Institute of Law Enforcement and Criminal Justice in October 1973. In addition, program evaluation has been given a high priority at the regional level as evidenced by the creation of a high level planner/evaluator position in each of the ten regional offices.

We also concur with the GAO recommendation that each LEAA regional office should be adequately staffed so that court needs can be assessed and qualified technical assistance can be provided to States. In the past, personnel ceilings and demands in other program areas have resulted in a lesser relative priority being given to court programs. At present, however, all regional offices have, or are actively recruiting, a court specialist. We believe the services of these specialists will contribute immeasurably to the success of our court improvement programs.

The report also recommends the adoption of procedures to assure that court system projects funded with LEAA funds are (1) screened for quality and (2) included in the data base of the National Criminal Justice Reference Service, so that all States will have access to the results of projects funded in each State. To date, most block grants have not produced final reports which would be worthy of dissemination through the Reference Service. Recently, however, the Reference Service has instituted a procedure for obtaining copies of substantive reports emanating from grant projects. The LEAA Grants Management Information System (GMIS) furnishes the Reference Service with a monthly listing of grant projects expecting to release reports. The Reference Service determines whether a project report was, in fact, issued during that month. If a report was issued, the Reference Service requests a copy and selects those of a substantive nature for inclusion in its data base.

In addition to GMIS, the National Center for State Courts publishes a two-volume set of reference books covering recent court improvement projects. These books, Court Improvement Programs: A Guidebook for Planners and Guidebook of Projects for Prosecution and Defense, identify and describe recent action grants in the adjudication area and provide the name of an individual to be contacted for further information on each project.

The report further recommends that LEAA develop a court statistical reporting system, in cooperation with the States, so that courts can accurately measure their progress in reducing caseloads and processing time. Over the past 2 years, the National Criminal Justice Information and Statistics Service has been implementing the Comprehensive Data System (CDS) program, which is designed to meet the objectives of the recommendation. One segment of this program provides for the development of an Offender Based Transaction System. This system will provide statistics on court operations as well as related operations which impact directly on the courts. In addition, the CDS program provides for the establishment of a Criminal Justice Statistical Analysis Center to analyze court statistics as a part of its overall system analysis and program evaluation effort.

The final recommendation suggests that LEAA assess the effectiveness of the efforts of organizations receiving LEAA funds to determine whether the technical assistance

APPENDIX I

provided the States and their courts by these organizations results in reduced backlogs and processing time. The recommendation relates primarily to our contract with American University. The provisions of this contract require recipients to evaluate the effectiveness of the technical services provided to them by American University for each on-site visit. If an evaluation indicates that inadequate or unsatisfactory services are rendered, immediate action is taken on a joint basis by the American University staff and the LEAA staff. In this manner, immediate and effective on-going evaluations are accomplished to provide us with a current knowledge of successes and failures. We also intend to evaluate the overall effectiveness of the contract activity from a much broader perspective after sufficient experience has been gained. We do not believe that the knowledge gained from our 1 year of experience under the contract provides sufficient data for undertaking an evaluation at this time. A companion technical assistance contract for prosecutors was awarded the National Center for Prosecution Management. The effectiveness of this contract is presently being evaluated by the Rand Corporation under a recently awarded contract.

GAO identifies the most serious problem plaguing the court system as the increasing backlog of untried criminal cases and the inordinate delay in processing such cases. The report further states that, "Although the States are primarily responsible for insuring that the most serious problems of their criminal justice system are identified and their causes attacked, many of the federally funded projects to improve the courts in the six States could not directly reduce backlog or delay. For example, while projects to improve probation services and provide training to court officials have an indirect effect on backlog and delay, the six States allocated an average of 35 percent of their court funds to such projects. Moreover, the five States that still considered backlog and delay to be the primary court problem allocated an average of only 17 percent of their funds to projects to directly improve court administration."

While it is true that an average of 17 percent of the court funds was for projects to directly improve court administration, an additional average of 25 percent was used for prosecution projects, including case screening and offender diversion. These projects also have a direct bearing on the backlog of cases. The Case Western Study suggests case screening by prosecutors and defenders as one

of the keys to reducing backlog and delay. In addition, the study refers to offender diversion projects as another means of accomplishing this end. Therefore, in total, 42 percent of court funds are being expended for programs having a direct bearing on case backlog.

Another 35 percent of court funds are used for support projects having an indirect impact on the case backlog, such as the training and probation services mentioned earlier. These programs are needed to train personnel in (1) implementing the new programs and procedures designed to improve court administration and (2) assisting rehabilitated criminals, thereby reducing the likelihood that they will again become a part of the backlog of new criminal cases. We consider it vital that training be provided simultaneously with the installation of new case screening techniques and the implementation of new administrative service functions. In essence, it is our view that funds spent in a large number of areas, including bail reform and criminal code studies, impact directly or indirectly in reducing caseloads and processing time.

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

Glen E. Pommerening
Acting Assistant Attorney General
for Administration

APPENDIX II

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTORNEY GENERAL:		
William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John. N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Donald E. Santarelli	Apr. 1973	Present
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

APPENDIX B-3

PROGRESS IN DETERMINING APPROACHES WHICH WORK IN THE CRIMINAL JUSTICE SYSTEM, OCTOBER 21, 1974

REPORT TO THE CONGRESS

Progress In Determining Approaches Which Work In The Criminal Justice System

B-171019

Law Enforcement Assistance Administration
Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the Speaker of the House of Representatives
and the President pro tempore of the Senate

This is our report on progress in determining approaches which work in the criminal justice system. At the Federal level the criminal justice programs reviewed are administered by the Law Enforcement Assistance Administration, Department of Justice.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

Elmer B. Staats

Comptroller General
of the United States

Contents

APPENDIX

ABBREVIATIONS

GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration
SPA	State planning agency

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

PROGRESS IN DETERMINING APPROACHES WHICH WORK IN THE CRIMINAL JUSTICE SYSTEM
Law Enforcement Assistance Administration
Department of Justice
B-171019

D I G E S T

WHY THE REVIEW WAS MADE

The need to identify what approaches best assist the criminal justice system--police, courts, and corrections--to prevent or reduce crime has been recognized since at least 1931.

Congressional concern with attempts by Law Enforcement Assistance Administration (LEAA) and the States to satisfy this need since LEAA was created by the Omnibus Crime Control and Safe Streets Act of 1968 led to a mandate in the Crime Control Act of 1973 that LEAA evaluate its programs.

The 1973 act required that the States, awarded over $1.6 billion by LEAA through fiscal year 1973 for improving their criminal justice systems, assist LEAA by providing certain information and by making certain evaluations of their own.

To give the Congress the perspective to assess the extent to which LEAA and the States meet the 1973 legislative mandate, this report contains GAO's observations on:

--Progress LEAA and the States made before the 1973 legislation toward satisfying the need to know the approaches that work in the criminal justice system.

--Planning by LEAA and the States to meet the evaluation requirements established by the Crime Control Act of 1973.

This report also discusses problems LEAA and the States have had and need to overcome if evaluations are to improve the program.

FINDINGS AND CONCLUSIONS

Results of the State's criminal justice projects--funded under block grants from LEAA--and LEAA's research efforts must be evaluated if new and improved approaches are to be developed for attacking criminal justice problems. This type of evaluation is commonly called "outcome evaluation." (See pp. 6 to 8.)

Between passage of the 1968 act and the Crime Control Act of 1973, the States made limited progress in evaluating the outcome of their block grant projects and LEAA gave the States little guidance despite its requirement that the States do evaluations.

Before receiving LEAA funds States must submit a plan for carrying out their projects to LEAA for approval. LEAA, however, has not established procedures for its regional offices

to use in reviewing State plans to insure that evaluations would be an integral part of the States' planning process to identify and implement improved approaches.

Both LEAA and the States plan to meet the evaluation requirements of the new legislation. However, they have not defined how such evaluations are to be used in making program decisions.

States

Although the States had made some progress between 1968 and 1973, few were doing outcome evaluations; most were still planning how they intended to do evaluations. GAO's review of Michigan's and California's evaluations provides a practical perspective of the progress and problems of the States in evaluating projects and in using evaluations to improve their programs.

Michigan

In 1969 Michigan's criminal justice planning agency recognized the need for evaluation. In 1972 the planning agency began to describe evaluation factors, such as data and analyses, for the criminal justice projects throughout the State receiving LEAA block grant funds.

In December 1973, however, a planning agency official said most of the evaluations made by project personnel had not been outcome evaluations and that the few outcome evaluations made were poor.

He said for these reasons and because evaluations were not completed before the time subsequent funding decisions had to be made, they had provided little input for the agency's decisionmaking and planning.

To meet LEAA's requirement that States evaluate a specified portion of their LEAA-funded projects, the planning agency contracted with a private research organization in August 1972 to evaluate the State's efforts to reduce organized crime.

The contractor, however, could not evaluate the State's projects to reduce organized crime because project personnel had not collected needed data.

In January 1974 the planning agency revised the project-reporting process to require quarterly reports describing the evaluation progress and began redesigning evaluation factors to be used by project personnel.

The planning agency Administrator said LEAA had not provided any specific guidance on how to do evaluations or on how to use them. He believed, however, that eventually the planning agency's approach would lead to the type of evaluation system which would provide major input for program management and planning decisions. (See pp. 11 to 13.)

California

In April 1969 the California criminal justice planning agency began requiring each project receiving LEAA block grant funds through the agency to have an adequate evaluation system.

To meet LEAA's evaluation requirements, the planning agency chose to have project personnel evaluate projects from its 1973 and prior years' plans. Through September 1973 the planning agency had received 260 evaluation reports.

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A planning agency analysis, however, showed general dissatisfaction with the quality of the evaluations. More importantly, the planning agency had no procedures to insure that even satisfactory evaluations were adequately considered in decisionmaking and planning.

In July 1973 a task force at the University of California at Los Angeles began developing, under contract with the planning agency, a plan to define the approaches for making evaluations which will furnish information management needs to meet program goals.

The plan was completed in early 1974, and many of its findings and recommendations were incorporated into the State's evaluation program.

The planning agency Administrator said LEAA had not provided guidance for doing outcome evaluations. (See pp. 13 to 17.)

LEAA's National Institute of Law Enforcement and Criminal Justice

The 1968 act authorized the Institute to conduct in-house research, award research grants and contracts, and instruct and recommend action to the criminal justice community. In 1971 the Institute was reorganized to better accomplish these functions.

However, as of August 1973--when the new legislation was enacted--the Institute had accomplished little in doing outcome evaluations or giving the States guidance for doing so.

For example, the Research Operations Division--responsible for in-house research--had not made any outcome evaluations of any criminal justice programs. (See pp. 20 to 22.)

The Research Administration Division--responsible for research grant and contract administration--had awarded about $70.6 million through fiscal year 1973 for external research. Many projects were to gather information and were not intended to produce outcome evaluations. However, those projects intended to be evaluations produced little data on project impact. (See p. 22.)

The Technology Transfer Division--responsible for recommending Institute material for publication and conducting demonstration and instructional programs--had pursued these responsibilities and had developed a way to provide information to the criminal justice community.

However, almost nothing had been disseminated on the outcome of specific criminal justice projects. Several new programs started by the Division during 1973, however, have the potential to provide better information on what approaches work in various criminal justice programs. (See pp. 23 and 24.)

LEAA and State efforts to meet the 1973 congressional mandate

LEAA has taken several actions since the Crime Control Act was passed to improve its capability to determine the approaches that work in the criminal justice system. (See pp. 26 to 28.)

--The Institute established a separate evaluation division to coordinate and develop the Institute's evaluations.

--An Office of Planning and Management was created to emphasize and coordinate LEAA's overall policies and evaluations.

--An Evaluation Policy Task Force was appointed to design a comprehensive LEAA evaluation program.

In July 1973 administrators of the States' criminal justice planning agencies established a Research, Evaluation, and Technology Transfer Committee to develop

--model evaluation systems for the States,

--evaluation training programs for criminal justice planning staff,

--guidelines for gathering comparable data on projects, and

--mechanisms for collecting and disseminating research and evaluation accomplishments.

LEAA is working closely with this committee. (See pp. 28 and 29.)

LEAA and the States are becoming increasingly concerned about the need to do evaluations and are planning to meet requirements of the new legislation.

It is important that they recognize the need to define approaches for making evaluations which will furnish information program personnel need to identify and implement improvements in the criminal justice system.

RECOMMENDATIONS

The Attorney General should direct LEAA to:

--Issue guidelines requiring States to include a section in their State plans that discusses (1) how State criminal justice planning agency administrators plan to use evaluations to assist them in making management decisions and (2) the extent to which such administrators believe their current evaluation strategies need modifying so evaluations can be useful in the decisionmaking process. This action should improve the States' planning and use of evaluations by requiring them to consider how useful evaluations have been and could be to management and also provide LEAA a basis for reviewing State actions.

--Disseminate this report to the States to further emphasize the need to do outcome evaluations that can be used in making decisions.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice agreed with GAO's recommendations and is taking action to implement them. In addition, the Department noted steps LEAA is taking to improve its overall evaluation effort. (See app. I.) These steps should meet the evaluation needs GAO identified.

California also plans steps to improve the quality and utility of its evaluation efforts. (See pp. 16 and 17.)

Michigan commented that the GAO report was valid. However, it noted that, among other things, outcome evaluation is difficult and extremely costly and that "the causes of crime remain unknown in any real sense, and that cause and effect measurement is nearly impossible in regard to crime." Michigan also noted that LEAA, rather than the States, should have responsibility for such matters as program evaluation and research. (See pp. 33 to 35.)

There is no doubt that outcome evaluation is complicated and in some instances costly. The consequence of not doing such evaluations, however, is to reduce the planning process to chance. Evaluations are necessary so more objective decisions can be made regarding allocation of resources.

The Congress has clearly expressed its intent that the LEAA program be evaluated. Both the States and LEAA should participate in this effort since the States are an integral part of the LEAA program.

Therefore, GAO does not agree with Michigan that only LEAA should have this responsibility. Moreover, LEAA plans to involve the States directly in its evaluation efforts.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report should assist Congress to determine LEAA's and the States' progress in meeting the legislative mandate for evaluation in the Crime Control Act of 1973.

CHAPTER 1

INTRODUCTION

The need to be able to objectively identify what approaches work in the criminal justice system--police, courts, and corrections--is essential so decisions about such matters as the need for more police or more halfway houses can be based on facts rather than on the ideological biases of decisionmakers. The need is not a new one. In 1931 the U.S. National Commission on Law Observance and Enforcement pointed out the need for

--studies to determine the causes of crime and improve the administration of criminal justice and

--research to determine what correctional approaches are most successful for particular individuals.

The next three decades, however, apparently saw little progress in meeting such needs because in 1967 the President's Commission on Law Enforcement and Administration of Justice stated:

> "The Commission has found * * * many needs of law enforcement and the administration of criminal justice. But what it has found to be the greatest need is the need to know. * * * There is probably no subject of comparable concern to which the Nation is devoting so many resources and so much effort with so little knowledge of what it is doing."

THE CRIME PROBLEM

The rapid rise in crime in the 1960s was not only the impetus for appointing the President's Commission but also dramatized the urgency of the need to know what approaches might reduce or prevent crime. For example, during the 1960s, serious crime--murder, rape, robbery, aggravated assault, burglary, larceny over $50, and auto theft--increased by nearly 144 percent; murder alone increased 56 percent.

In response, Federal, State, and local governments began channeling more and more funds into police, court, and correctional operations. As shown on page 3, in just 5 years --1965 to 1970--combined government spending for the criminal justice system increased over 100 percent. For 1973 the estimated $17 billion expenditure more than quadrupled the 1965 level.

FEDERAL INVOLVEMENT

Congressional concern over the growing crime rate of the 1960s and the apparent inability of the criminal justice system to effectively deal with the problem led to passage of the Omnibus Crime Control and Safe Streets Act of 1968. The act proclaimed a national goal: reducing crime through improving the criminal justice system.

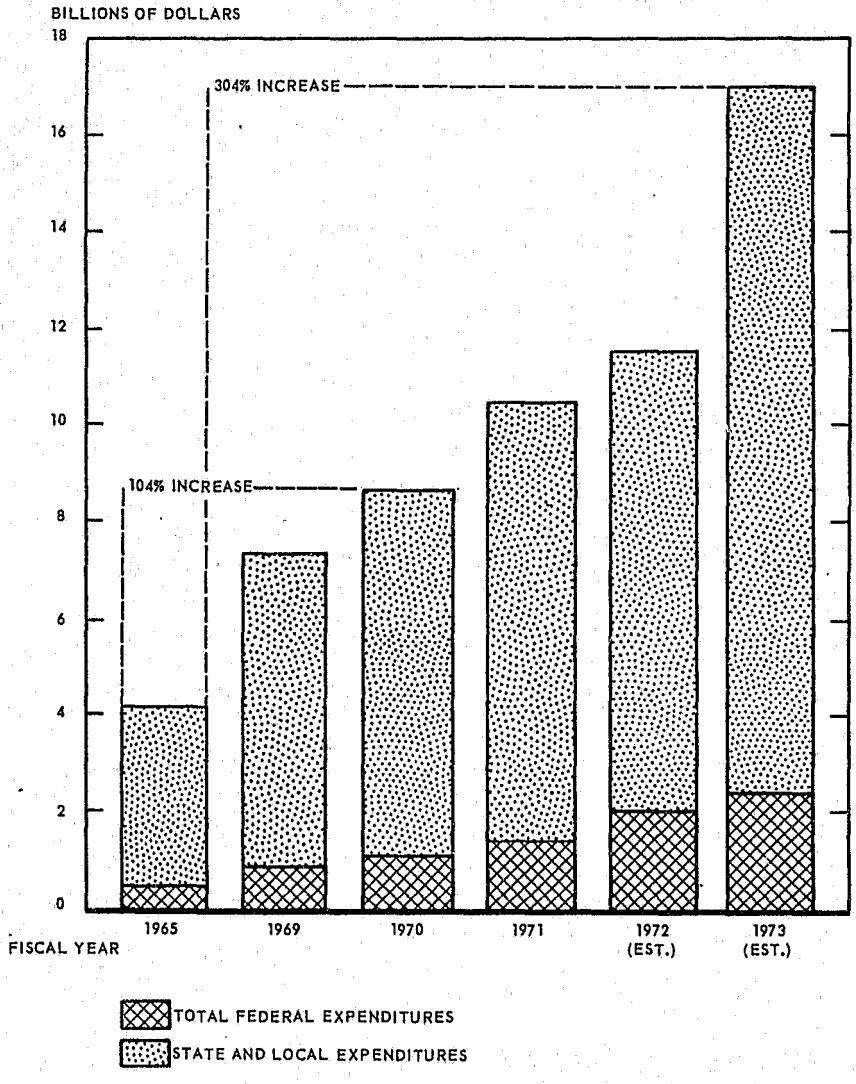
To help achieve this goal, the act established the Law Enforcement Assistance Administration (LEAA) within the Department of Justice to provide the States with both financial and technical assistance to improve their criminal justice systems. The act authorized LEAA to carry out such programs through fiscal year 1973 and specified funding levels through fiscal year 1970. A 1970 amendment specified funding through fiscal year 1973. In August 1973, the Congress passed the Crime Control Act of 1973 which extended LEAA's operational authority and specified funding through fiscal year 1976.

Under the 1968 act, and subsequent legislation, LEAA makes grants to State and local governments for:

--State planning agencies (SPAs), to plan and develop statewide comprehensive plans for improving the criminal justice system in each State. LEAA must approve these plans before the State can receive funds.

--Subgranting by SPAs to State and local governments for projects conforming to the comprehensive plans. These block grants are allocated to the SPAs according to their respective State's population. State and local governments must apply to SPAs for funds under the program.

GOVERNMENT CRIMINAL JUSTICE EXPENDITURES



--Conducting projects as LEAA considers appropriate. Such grants are called discretionary grants.

Block and discretionary grants are called action grants. Of the funds appropriated for action grants, 85 percent are allocated to the block grant program. Through fiscal year 1973, LEAA had awarded the States over $1.6 billion in block grants.

The act also established, within LEAA, the National Institute of Law Enforcement and Criminal Justice. The Institute's purpose was "*** to encourage research and development to improve and strengthen law enforcement" by conducting in-house research and by awarding grants and contracts for research to public agencies, universities, or private organizations. Through fiscal year 1973, the Institute had spent over $112 million to meet its research responsibilities. Over $70 million, or about 63 percent, was spent on grants and contracts alone.

Both the 1968 act and the 1970 amendment authorized but did not require LEAA and the Institute to evaluate the effectiveness of the programs funded. Likewise, the States were not required to evaluate; they were required merely to provide for research and development in their annual plans.

However, congressional disillusionment with LEAA's failure to aggressively use the evaluation authority granted it led to a mandate in the 1973 act requiring LEAA--through the Institute--to evaluate the impact of its programs on the quality of law enforcement and criminal justice. The act also assigned the States specific evaluation responsibilities.

REVIEW OBJECTIVES AND SCOPE

A previous GAO report discussed what LEAA and the States need to make evaluations which will enable them to judge the success of similar criminal justice projects.[1]

[1]"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime," Department of Justice, B-171019, Mar. 19, 1974.

This report's primary objective is to give the Congress a perspective to assess the extent to which LEAA and the States have changed their approaches to meet the evaluation requirements of the 1973 legislation. To do this, we determined:

--What progress LEAA and the States made toward satisfying the need to know what works in the criminal justice system under the broad authority for evaluation granted by the original legislation and the 1970 amendment.

--How and if LEAA and the States were planning to meet the evaluation requirements established by the Crime Control Act of 1973.

Additionally, we determined problems LEAA and the States have had and need to overcome if evaluations are to improve the program.

To accomplish these objectives, we:

--Reviewed the past and planned evaluation efforts of the California and Michigan State planning agencies.

--Reviewed the past and planned evaluation efforts of LEAA, particularly the National Institute.

--Examined various studies by independent research groups.

--Interviewed various officials at LEAA headquarters, LEAA regional offices, and the Michigan and California SPAs.

CHAPTER 2

OUTCOME EVALUATION: THE KEY TO FINDING WHAT WORKS

Congressional intent in the 1968 act for LEAA's block grant program and the National Institute's research was clear: the States and LEAA were to identify and implement better methods so the criminal justice system could more effectively combat crime. For example, one of the purposes of the act is to

> "encourage research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals."

The act states further that each State plan shall, among other things:

> "incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement dealt with in the plan * * *;"
>
> * * * * *
>
> "provide for research and development * * *."

Regarding the National Institute the act states that

> "It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement."

"The Institute is authorized--

> "to make continuing studies and undertake programs of research to develop new or improved approaches, techniques, systems, equipment, and devices to improve and strengthen law enforcement, including, but not limited to, the effectiveness of projects or programs carried out under this title;

"to carry out programs of behavioral research designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime, and to evaluate the success of correctional procedures."

Implicit in the act was the tenet that, to identify better methods, the results of the States' LEAA block grant projects and the National Institute's research projects must be evaluated. For example, such evaluations could show:

--How many participants in a correctional program were rehabilitated as defined by specific criteria.

--What the crime rate was in connection with a specific police patrol approach.

--How many individuals selected for a particular sentencing alternative, e.g., probation or institutionalization, were rehabilitated.

This type of evaluation is commonly called "outcome evaluation" and is designed to objectively determine a program's progress toward an overall goal, e.g., criminal rehabilitation.

Outcome evaluations can be distinguished from other types of evaluations, such as

--a fiscal or operational review to determine compliance with contracted obligations or

--a subjective review ("expert" opinion) of the merit or the procedures used.

Outcome evaluations for individual programs--even though providing useful information to gauge the program's performance--can serve only as an objective impetus for improvement if they can be and are used by managers as a basis for comparing programs and, consequently, for making appropriate policy and program changes.

For example, assuming that outcome evaluations are done for various programs seeking to rehabilitate criminals by employing innovative or untried techniques, the programs could be separated into two groups:

--Programs that result in better outcomes than traditional or previous methods.

--Programs that result in worse outcomes than traditional or previous methods.

However, this assumes that the planning for evaluations envisioned such a separation and the outcome measurements were comparable. For example, if the outcomes of several criminal rehabilitation programs were measured by studies of individuals after release from the programs, the outcomes might not be comparable if the followup periods were different.

The consequence of not doing such evaluations or failing to plan for evaluations which permit comparing the success of various approaches is to reduce the planning process to chance, with decisions being made on gut feelings. Effective programs could be stopped and, conversely, less effective programs could be perpetuated.

This does not mean outcome evaluation is easy, especially in the criminal justice area because of the difficulty of removing extraneous variables to determine the true causes and effects of projects to reduce crime. But efforts to effectively complete such evaluations have to be made so more objective decisions can be made regarding the allocation of resources.

CHAPTER 3

LIMITED EVALUATION RESULTS BY THE STATES

Between the passage of the 1968 act and the Crime Control Act of 1973, generally the SPAs made limited progress in determining the outcomes of their block grant programs. Despite requiring the SPAs to make evaluations, LEAA provided little guidance for doing so. Moreover, LEAA had no assurance that evaluations made or planned would be used to achieve improvements.

LEAA's requirements for evaluation were published in guidelines to be used by the SPAs in preparing their annual plans. These guidelines required that, beginning with fiscal year 1972, SPAs were to select one of the following alternatives:

--"Evaluate 15% of the total number of subgrants awarded in FY 1972.

--"Evaluate 15% of the total dollar value of subgrants awarded in FY 1972.

--"Evaluate all of the subgrants awarded in one program area."

The guidelines permitted the evaluations to be done by the SPA staff, the subgrantees, or independent groups. Copies of completed evaluations were to be sent to LEAA.

AN OVERVIEW

During 1972 Indiana University's Institute for Research in Public Safety--as part of a contract from the Indiana SPA to develop an evaluation system--surveyed the other State SPAs to find out what was being done in evaluation. The survey results, published in February 1973,[1] showed that

[1]"A Nationwide Review of Evaluation Procedures of State Planning Agencies," (Bloomington, Ind., Indiana University, Feb. 1, 1973).

--79 percent of the SPAs had some procedures for project evaluation, but

--only a few SPA evaluation plans were complete, and

--the degree of sophistication and stage of implementation of these plans varied widely.

More importantly, the survey revealed that the most common type of evaluation SPAs used was subjective and was not an objective measurement of outcome.

In September 1973 the Chairman of the Research, Evaluation, and Technology Transfer Committee of the National Conference of State Criminal Justice Planning Administrators --a national organization of SPA administrators--said:

--He generally agreed with these findings.[1]

--Although the SPAs had made some progress since the Indiana survey was published, most were not doing outcome evaluations and were still in the planning stages.

--LEAA had given the SPAs little guidance on how to do outcome evaluations other than requiring the SPAs to include an evaluation provision in their annual plans.

Moreover, a 1973 report by SPA administrators stated that:

"SPA evaluation activity has varied according to available funds, staff size and competencies. The larger states have so far been the leaders, and their different approaches are an indication of the diversity of opinion concerning evaluation."[2]

[1]See pp. 28 and 29 for an explanation of why the committee was formed.

[2]"State of the States on Crime and Justice," National Conference of State Criminal Justice Planning Administrators, June 1, 1973.

The following descriptions of evaluation efforts by the Michigan and California SPAs provide a practical perspective of the progress and problems of the States in determining what works and in using such information to improve their programs.

MICHIGAN

Michigan's SPA was established in 1968 with seven professionals responsible for preparing the State's criminal justice plan. As of September 1973 the SPA had 40 professionals. It had been awarded about $69 million in block grant funds through fiscal year 1973.

Michigan's first plan, dated June 6, 1969, recognized the need for evaluation stating that "As action projects are funded, they must contain an evaluation dimension to provide concrete assessment information." But, during the first years of the block grant program, the SPA had to concentrate on developing a management system to insure the fiscal and contractual integrity of the program through auditing and monitoring. When these activities were operating satisfactorily, more attention was given to evaluation.

What has been done

In the 1972 plan the SPA described evaluation factors--data and analyses--to be developed by the subgrantees.

However, in December 1973 the SPA's Director for Grant Administration told us that the resulting subgrantee evaluations generally had not been outcome evaluations or had been poor because subgrantees did not

--maintain sufficient statistical data or

--have the expertise to perform outcome evaluations.

He said that for these reasons and because final evaluations were usually not done until at least a year after a project was completed and thus were not available when subsequent funding decisions were made, they had provided little input for SPA decisionmaking and planning.

The SPA Administrator said that the SPA contracted with a private research organization in August 1972 to evaluate the State's organized crime program because he believed the subgrantee evaluations, at the time, were inadequate to meet LEAA's evaluation requirement. Among other things, the study was to determine

--the success of subgrantee projects in meeting their objectives, e.g., to enhance prosecution against organized crime, and

--the outcome of such projects in terms of the program's overall objective to reduce organized crime.

The study, costing about $29,000, resulted in a January 1973 report to the SPA. The SPA Administrator said that the contractor could not determine whether the projects reduced organized crime because evaluations done by the subgrantees did not address this objective and the subgrantees had not collected data needed for the contractor to do its own evaluation. The study, however, recommended alternative evaluation methods for the subgrantees which the contractor believed would enable the subgrantees to determine whether their projects reduced organized crime.

The Administrator said that the recommendations were not used in the 1974 plan but were being considered for use in the 1975 plan.

In January 1974 the subgrantee reporting process was revised to require quarterly reports describing the current progress in evaluations instead of just an evaluation report at the end of the project. In addition, SPA personnel were redesigning project evaluation factors for use by subgrantees in evaluating their projects. The Administrator believed that eventually this approach would lead to the type of evaluation system which would provide major input for program management and planning decisions.

The Administrator said many discussions with LEAA regional office and headquarters personnel, consultants, and academic

experts led him to conclude that they too were unsure about how to evaluate criminal justice programs and could not lend much assistance. Further, through development of the 1974 plan, LEAA had not provided any specific guidance on

--how to do evaluations or

--how they were to be used.

Consequently, he had relied on the expertise of SPA personnel. Even though Michigan was only beginning to develop the evaluation information he believed was necessary, he was satisfied with the progress.

CALIFORNIA

Between June 30, 1969, and September 30, 1973, the California SPA received about $153 million in block grant funds.

In April 1969 the SPA began requiring each subgrantee project proposal to have an adequate evaluation system. The implied purpose was to provide SPA management with decision-making information. However, the SPA did not develop a systematic plan for using evaluations at that time. California defined its evaluation policy further in May 1972 when it stated that

> "Within ninety (90) days after the commencement of either the second--or third--year funding period, a detailed project evaluation will be delivered to the Council [SPA] describing the degree to which prior year project objectives have been met. * * * evaluation of the first project year will be in terms of project objectives, and subsequent years will also address system impact or crime impact."

What has been done

To meet LEAA's evaluation requirement, the SPA chose to evaluate 15 percent of the total dollar value of subgrants from its 1973 and prior years' plans by having the

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subgrantees do the evaluations Through September 1973, the SPA had received 260 evaluation reports from subgrantees. For 37 of the projects evaluated, an SPA official determined the evaluation cost for each project. The total evaluation cost for these projects was $472,516, or about 7 percent of the $6,918,129 total cost for the projects.

In April 1973 the SPA--in its first evaluation report to LEAA--stated that subgrantee evaluations were predominantly

--poor evaluations of probably good projects and

--poor evaluations of probably poor projects.

More importantly, however, even for those evaluations considered satisfactory, the SPA did not have adequate procedures to insure that the evaluation results were considered in the planning process. This lack of any formalized plan for systematically using evaluations still existed at the time of our review. SPA officials said that decisions about the worthiness, redirection, or termination of projects had been based on their personal involvement in such activities as reviewing progress and evaluation reports, monitoring, and meetings, but they could not relate management decisions regarding projects to evaluations made of them. The extent to which evaluations affected such decisions depended primarily on the nature of the project and type of evaluation done, rather than on a systematic process that resulted in evaluations being one of the bases for making the decisions.

The SPA's 1973 report to LEAA was not the first time the SPA had expressed dissatisfaction with the evaluation program and its impact on decisionmaking. In 1972 the SPA reviewed its evaluation strategy and decided that evaluations of each project had not produced useful information for management decisions. A summary report cited numerous shortcomings, some of which were

--the lack of comparability between evaluations which claim to be measuring the same factors, e.g., recidivism;

--poorly formulated objectives;

--no clearly stated criteria; and

--bad experimental designs.

This dissatisfaction led to a change in evaluation strategy away from evaluating each project to concentrating on selected program areas using "cluster evaluations." For example, for a program area, such as "Narcotics Treatment and Rehabilitation," several projects having similar objectives and activities would be evaluated. The SPA believed that such an approach, among other things, would help insure comparability of evaluation results among projects and provide management a better basis for judging the impact its decisions had on certain program areas.

In 1972 the SPA allocated $500,000 to support a series of such cluster evaluations. They were completed in the spring of 1974. In July 1974 the Administrator of the SPA advised us that the cluster evaluation concept was a logical step in developing an effective program-level evaluation strategy. However, he noted that the major drawbacks have been in the limited utility of the approach in making comparative assessments of outcome objectives and in insuring adequate evaluation planning and design before beginning projects being evaluated. Delayed startup for cluster evaluations sometimes precluded the evaluator from obtaining necessary data and information for those projects which ended or were nearly over by the time the evaluation could begin. We were advised that this sometimes forced "post-hoc interpretation and reduced the validity, accuracy and generalizability of the findings and their interpretation."

In July 1973, a task force of professors at the University of California at Los Angeles began developing, under contract to the SPA, a strategic evaluation plan so management could use evaluation information. The objectives of this plan--completed in early 1974--were

--To develop, with the SPA, its evaluation mission and role so its objectives and priorities in evaluation would be consistent with its overall mission and role.

--To assess the state of the art in evaluation technology and to match the SPA's needs for evaluation with what can be done.

--To assess the sociopolitical, legal, and organizational environments within which the SPA functions to determine the possible constraints on an evaluation plan.

--To construct alternative strategic plans for the SPA's approval that meet the above objectives.

In July 1974 the Administrator of the SPA advised us that a number of the study's findings and recommendations had been incorporated into the State's evaluation program.

The Executive Director also advised us in July 1974 of additional steps California will take to upgrade the quality and utility of evaluation as a tool to aid decision-makers and planners. The SPA will:

--Make available to grantees a program of technical assistance training and supportive services in criminal justice program and project evaluation.

--Pool the necessary resources to plan, design, and implement a coordinated and comprehensive statewide program of evaluation.

--Insure the development of uniform and standardized data and information bases to enable the SPA and other affected groups to assess performance to provide planning information for crime-problem solving.

--Develop and validate crime-related indicators to accurately assess the impact that projects have on reducing crime or delinquency.

--Improve the quality and utility of individual project evaluations within program areas through formulating evaluation standards and guidelines, including the development of a User's Handbook in Program Evaluation.

--Establish an Evaluation Information Reference and Resource Service for users of evaluation information as well as practitioners of evaluation.

--Implement program-level evaluation to provide reliable and comparative outcome evaluations to assess impact, effectiveness, and efficiency of SPA-funded projects and programs.

LEAA guidance

The SPA Administrator said that LEAA had not provided any guidance for doing outcome evaluations.

Likewise, the California Legislative Analyst had criticized LEAA leadership in evaluation. In a report on the SPA's budget request for fiscal year 1973-74, he wrote:

> "* * * Currently, LEAA offers no guidance for California in the very difficult task of evaluating the numerous projects which are currently being funded. Yet LEAA has requirements that 15 percent of all such projects (measured by total dollar value) be so evaluated."

LEAA'S USE OF SPA EVALUATIONS

LEAA's Office of Criminal Justice Assistance was responsible for preparing the guidelines requiring the SPAs to evaluate their programs.[1] This Office was also responsible for overseeing the operations of LEAA's 10 regional offices. The regional offices, in turn, are responsible for approving SPAs' annual plans.

As part of the approval process, the regional offices must insure that the plans include the evaluation provision as required by LEAA guidelines.

[1]In November 1973 the Office of Criminal Justice Assistance was reorganized and called the Office of Regional Operations. It basically has the same responsibilities as the Office of Criminal Justice Assistance.

The Chicago and San Francisco Regional Office Administrators said their regional approval process of SPA annual plans did not include judgments regarding the design or quality of the evaluation provision in the plans because

--regional office personnel lacked the expertise in evaluation necessary to make such judgments and

--the regional offices had never been delegated such responsibilities by LEAA headquarters.

The San Francisco Regional Office Administrator added that he has no plans to assist the SPAs in evaluation and that he is waiting for instructions from LEAA headquarters before he makes such plans.

The Chicago Regional Office Administrator added that, although the LEAA guideline required copies of completed SPA evaluations to be sent to the regional office, the Office of Criminal Justice Assistance had provided no guidance on what the regional offices were to do with them. Likewise, the regional offices had no policy to insure that the States would use evaluations as a basis for developing program strategy for achieving improvements.

An official of the Office of Criminal Justice Assistance agreed that the guidance that office gave the regional offices had been very general and had not addressed priorities or guidelines for approving evaluation components in State plans. He also said the LEAA requirement for evaluation by the SPAs had been too general to assist either the regional offices or SPAs. He attributed this lack of guidance to

--the absence of groundwork within LEAA on how evaluations were to be performed and

--a low priority for evaluation within LEAA before the 1973 legislation.

CHAPTER 4

FEW OUTCOME EVALUATIONS BY LEAA'S NATIONAL INSTITUTE

The National Institute of Law Enforcement and Criminal Justice had not aggressively used the broad authority granted by the 1968 act to improve the criminal justice system and had provided the States little specific guidance on how to do outcome evaluations or how such evaluations should be used to improve their programs.

The act stated that:

> "It shall be the purpose of the Institute to encourage research and development to improve and strengthen law enforcement."

To accomplish this goal, the act authorized the Institute to:

1. Conduct in-house research, including the effectiveness of various criminal justice approaches and projects carried out (funded) under the act.

2. Encourage and fund research including the development of new approaches.

3. Instruct by information dissemination, workshops, and fellowships.

4. Recommend improvements to the criminal justice community.

Despite such widespread authority, a study published in early 1973 by the Lawyers' Committee for Civil Rights Under Law--a nonprofit group interested in LEAA's activities--stated that

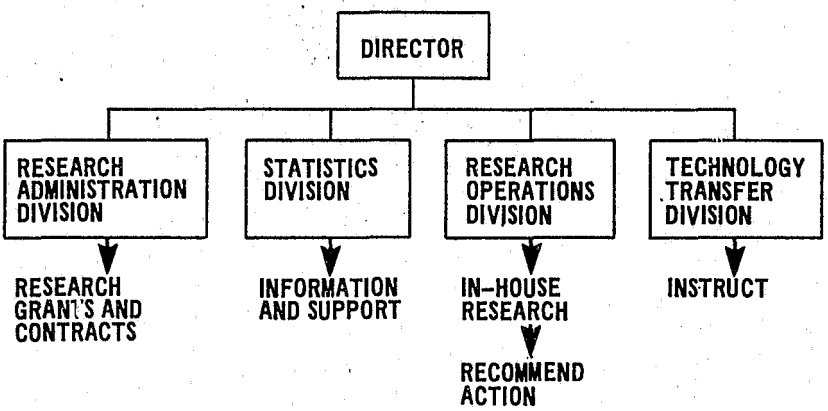
> "The Institute has not performed its intended mission. Not only has research output been limited, but few of its meager findings have been made available to the public or to criminal justice officials. *** It has operated in almost total isolation from the rest of LEAA programming, with no formal mechanisms for using

its research product to provide guidance for the discretionary and block grant decision-making process."

Earlier, in 1971, a task force of Federal, State, and university officials, selected by the LEAA Administrator, concluded that:

"Almost all of the Institute's manpower is dedicated to the review of private research proposals. * * * The Institute is, in effect, being wasted on effort which has been demonstrably non-productive."

The task force recommended reorganizing the Institute and substantially increasing its in-house research. As illustrated below, the suggested reorganization closely followed the functional authority envisioned by the act:



An LEAA instruction dated August 23, 1971, implemented the task force's organizational recommendations. However, the reorganization resulted in only nominal in-house research. More importantly, both the in-house research and research grant efforts produced almost nothing in terms of outcome evaluations before the 1973 legislation.

IN-HOUSE RESEARCH

The Research Operations Division was assigned responsibility for:

1. "Carrying out research programs designed to provide more accurate information on the causes of crime and the effectiveness of various means of preventing crime. [Underscoring supplied.]

2. "Making continuing studies and undertaking programs of research to develop or improve approaches, techniques, systems, equipment and devices to improve and strengthen criminal justice.

3. "Making recommendations for action which can be taken by Federal, State and local governments and by private persons and organizations to improve and strengthen criminal justice."

The Chief of the Division, although recognizing the Division's responsibilities, said research had received only general coverage because of other duties, such as:

--Defining research problems and determining the most appropriate strategy in addressing these problems.

--Developing plans for the overall annual Institute research plan.

--Reviewing research grantees' final reports.

General research activities of the Division primarily included:

--"Book reports"--library research on what had been or was being done in a subject area. Such reports contained no recommendation or conclusions.

--Designs for requests for proposals for research contracts or grants in support of the Research Administration Division.

As of October 1973 the Division's research had resulted in 36 published reports which had been or were planned for dissemination to appropriate criminal justice system officials. However, the Chief of the Division said that only four of these were of sufficient depth and conclusiveness to be useful as a

management tool for criminal justice planners and could be considered as meeting the Division's responsibility to make "recommendations for action* * *."

But none of the four reports were outcome evaluations and only two had been disseminated. As of enactment of the 1973 legislation, the Division had not made any outcome evaluations--published or unpublished--of any criminal justice programs, including the States' block grant programs. The Chief of the Division stated that such evaluations would have required more staff and time than the Division had.

RESEARCH GRANTS AND CONTRACTS

LEAA's August 1971 instruction assigned the Research Administration Division responsibility for administering the Institute's external research program, including awarding and monitoring all Institute project grants and contracts. Through fiscal year 1973, the Division had awarded about $70.6 million for external research. However, as of enactment of the 1973 legislation, these projects had produced almost nothing in terms of outcome evaluations.

The Director of the Institute said many of the projects were to gather information and therefore were not intended to produce outcome evaluations. Further, he said many projects that were evaluations were subjective or were concerned with how the project was operated rather than results and, therefore, contributed little toward answering cause and effect questions concerning what works. He stated, however, that several projects in process or planned for fiscal year 1973 did include outcome evaluations.

The Institute's planning document--"Plans and Projects for Fiscal Year 1973," dated March 1973--listed "illustrative" projects in process or planned by the Institute, some of which did appear to be outcome evaluations according to the description. For 54 projects listed, we interviewed the 9 Institute project monitors and determined that 17 projects were expected to produce outcome evaluations. However, as of July 1973, only 1 of the 17 projects was completed. More importantly, none of the project monitors could cite any other completed outcome evaluation project, whether or not it was included in the "Plans and Projects" document.

TECHNOLOGY TRANSFER

The August 1971 instruction delegated to the Technology Transfer Division the responsibility, among others, for:

--Recommending approval of Institute material for publication.

--Conducting demonstration projects and instructional workshops.

Even though the Division pursued these responsibilities and developed a way to provide information to the criminal justice community, almost nothing had been disseminated on the outcome of specific criminal justice projects as of November 1973.

To better fulfill its primary responsibility, the Division started several new projects during 1973, including:

1. Exemplary projects.

2. Prescriptive Program Packages.

3. "Research Briefs."

The Institute defines "exemplary projects" as those which have demonstrated notable success in operation for some time and which are suitable for use by other communities. Such projects--once identified--are to be described in a brochure which will be disseminated to the criminal justice community. A detailed operational manual will also be prepared on each project describing such matters as budgeting, staffing, training requirements, potential problems, and effectiveness measures. As of December 1973, two projects had been selected as "exemplary" and five others were being considered.

However, the brochure and operational manual on only one of the two selected projects had been disseminated. Even though statistics were compiled on this project, no outcome evaluation was made. For example, the brochure stated:

> "Only a small amount of inconclusive evidence is available regarding whether or not individuals provided with the * * * project's rehabilitative services are less likely to commit new offenses * * *."

Likewise, the Prescriptive Program Packages--how-to-do-it manuals based on the "best available knowledge" in selected areas--have yet to be proven by outcome evaluations. The packages are developed by contractors that prepare synopses of programs that seem to be working. The contractor does not evaluate any projects but will use any evaluations available. The result is a document of background information and operational guidelines for a particular program area, e.g., methadone maintenance. As of December 1973, the Institute had disseminated packages on three such areas but none of the packages had been tested in operation. Nine additional packages were in various stages of development.

The third element of the Division's project dissemination program--review and publication of selected Institute research--was accomplished by publishing, beginning in December 1972, a quarterly newsletter, "Research Briefs." The briefs focused on particular subjects, presenting an overview of problems and summarizing significant projects and publications. Although the briefs appear to provide useful reference information, they have provided little information on what works because such information generally has not been developed.

The Director of the Institute told us that the Division had attempted to give the SPAs general guidance on evaluation through seminars, briefings, and publications. However, he said that because research has not been sufficiently definitive to identify detailed evaluation criteria, the Division has been unable to specifically guide the States on how to evaluate their programs.

The Director also stated that, although the need for outcome evaluation was clearly recognized, the Institute had been limited by funds and manpower from doing more and had found it necessary to establish certain operational priorities. Consequently, the Institute's major evaluations were of certain projects funded with discretionary moneys. The two primary projects--the Pilot and Impact Cities Programs--are still operating; thus, the evaluations are not complete.

COMMUNICATION CHANNELS OPENED

Even though the Institute had accomplished little toward evaluating the outcome of the more than 30,000 projects funded through the block grant program, some channels for disseminating such information had been developed.

For example, the National Criminal Justice Reference Service began operating in September 1972 to provide a central information source for the Nation's criminal justice community. The computer-assisted data base includes publications, books, and other documents covering all aspects of criminal justice. A special service includes the automatic dissemination of abstracts of recent document acquisitions to users who have indicated interest in specific subjects.

In addition, a liaison and coordination program was established in which the Technology Transfer Division briefs LEAA offices, SPAs, and other organizations on the Institute's ongoing and completed research.

CHAPTER 5

THE 1973 LEGISLATION: IMPETUS FOR ACTION

The Crime Control Act of 1973 requires LEAA's National Institute to

--evaluate the impact (outcome) of programs and projects carried out under the act and

--disseminate evaluation results to SPAs.

The act also insures accountability for these responsibilities by requiring the Institute to report annually to the President, the Congress, and SPAs on the potential benefits of research and evaluation results.

To insure the States' support of the Institute's evaluations, the act requires that the States' annual comprehensive plans provide for maintaining data and information and submitting reports which the Institute may need to meet its evaluation responsibilities. The States' plans must also provide for accurate and complete monitoring of the progress and improvement of their correctional systems.

LEAA ACTIONS

Since the new legislation was passed, LEAA has taken several actions to improve its capability to determine what type of projects help improve the criminal justice system's ability to prevent or reduce crime.

Institute plans

In October 1973 the Institute established a separate evaluation division to coordinate and develop the Institute's evaluations. As part of a 3-year evaluation plan, the Institute has proposed to

--design a project data collection and analysis system,

--do in-depth evaluations of selected program areas,

--review and analyze the results of SPA evaluations, and

--assist in SPA evaluations.

To implement this program, the Institute requested an increase of about $14 million for fiscal year 1975 over its 1974 appropriation. A major part of the justification for this increase will be the Institute's plan to review and coordinate the States' evaluations.

Other management changes

In October 1973 the LEAA Administrator created the Office of Planning and Management to emphasize and coordinate LEAA's overall policies and evaluations. Among the duties were

--coordinating and developing goals and objectives for each LEAA program,

--overseeing the development and implementation of a comprehensive LEAA and SPA evaluation program, and

--undertaking special evaluations as directed by the Administrator.

Further, in November 1973, the Administrator established an Evaluation Policy Task Force consisting of a technical advisor from an independent research group; the two LEAA Deputy Administrators; officials from four SPAs; and representatives from several LEAA divisions, including the Institute, the Office of Planning and Management, and the regional offices. The purpose of the task force was to

"investigate questions related to Agency evaluation activities, to design and plan a comprehensive evaluation program and to make recommendations to the Administrator of LEAA concerning policy options and alternative program implementation strategies."

As of December 27, 1973, the task force had tentatively identified three evaluation goals:

1. A research goal to ascertain those programs which reduce crime and improve law enforcement and criminal justice and those which do not.

2. An LEAA management goal to use these findings at the national and SPA levels.

3. A program goal to persuade criminal justice agencies to use evaluation in their management practices.

The Task Force issued its report in March 1974. Its findings and recommendations provided much of the basis for the actions LEAA has noted that it will take to improve its evaluation efforts. (See pp. 38 to 40.)

The task force recommended that the goals of LEAA's evaluation program be to:

--Obtain and disseminate information on the cost and effectiveness of various approaches to solving crime and criminal justice problems.

--Have performance information used at each LEAA administrative level in planning and decisionmaking to help program managers achieve established goals.

--Help State and local criminal justice system units realize the benefits of using evaluation as part of their management system.

With establishment of the Institute's Evaluation Division and the other management actions discussed above, LEAA has recognized that changes and improvements are needed if the mandate of the 1973 act is to be met.

THE STATES' PLANS

In July 1973 the National Conference of State Criminal Justice Planning Administrators established a Research, Evaluation, and Technology Transfer Committee in anticipation of the evaluation mandate of the 1973 act. The Committee chairman told us the SPA Administrators formed the Committee because they:

--Needed a standard definition of what the Congress meant by evaluation. Each SPA Administrator had his own definition because LEAA had failed to interpret the term "evaluation."

--Recognized the need for evaluations and wanted a committee to study the area, especially since most SPAs were not evaluating project results and many SPA staffs were unqualified to do this.

--Recognized that little, if any, information existed on how to evaluate project outcome.

The Committee's first meeting, in September 1973, resulted in adoption of the following objectives:

--Developing model evaluation systems for use by the SPAs.

--Developing an evaluation, orientation and training program for SPA Directors and staff.

--Developing guidelines for gathering comparable data on projects.

--Developing a mechanism for collecting and disseminating research and evaluation accomplishments.

Institute representatives agreed to assist the Committee in meeting these objectives and contracted with a private research organization to develop an outline of model evaluation systems.

Undoubtedly, the SPAs are becoming increasingly concerned about the need for evaluation and are planning to satisfy this need. It is important that they recognize the need to define the approaches for making evaluations which will furnish information program personnel need to identify and implement improvements.

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CHAPTER 6

CONCLUSIONS, RECOMMENDATIONS, AND AGENCY COMMENTS AND ACTIONS

CONCLUSIONS

The States and LEAA are faced with a goal--reducing crime--which many experts believe can ultimately be accomplished only by alleviating social conditions that generate pressures toward crime, such as inequities in education, employment, housing, and race relations. However, identifying and eliminating such causes is, at best, a longrange goal and, for the most part, lies outside the responsibilities and means of the criminal justice system.

Therefore, the system's role is to make the maximum possible contribution toward the control of crime by identifying and implementing the most effective means of

--improving law enforcement techniques,

--dissuading criminals from further crime, and

--insuring the equitable and efficient administration of justice.

Evaluating the outcome of criminal justice programs can help meet such objectives so that

--systematic improvements can be made by providing criminal justice planners and managers a sound basis for judging the realistic magnitude, makeup, and direction of future efforts and

--the maximum benefit will be received from the resources spent.

Between passage of the 1968 act and the Crime Control Act of 1973, the States made limited progress toward evaluating their block grant programs. Despite requiring the States

to do evaluations, LEAA gave the States almost no guidance for doing so. Equally important, LEAA had established no procedures in the State plan approval process to help insure that evaluations would be adequately considered in the States' planning process to identify and implement improved approaches.

Within LEAA, the National Institute, even though granted broad authority by the 1968 act to do evaluations, had accomplished very little in evaluating the outcome of projects funded under the block grant program through either in-house research or grants. Further, the National Institute had provided the States little specific guidance on how to do outcome evaluations or how to use them to improve their programs.

The Crime Control Act of 1973--by assigning LEAA's National Institute and the States specific responsibilities for evaluation--should provide the impetus for increased evaluation. The act gives LEAA's National Institute both the responsibility and authority to direct and coordinate the Nation's efforts in determining what works in the criminal justice system. Research background information gathered, evaluation problems defined in previous Institute efforts, and the information dissemination system developed should provide a firm foundation to begin meeting these responsibilities.

Both LEAA and the States are becoming increasingly concerned about the need for evaluation and are planning to meet the requirements of the new legislation, as evidenced by such actions as those taken by LEAA's National Institute in October 1973. LEAA and the States must also develop strategies

--defining how such evaluations are to be used in making program decisions and

--insuring that they are used.

The California experience--where most subgrantees' evaluations apparently had little impact on management decisions--illustrates the difficulty of developing adequate evaluation strategies. LEAA and the other States should heed the lessons learned in both Michigan and California, so their efforts will produce evaluations that management can and will use.

RECOMMENDATIONS

We recommend that the Attorney General direct LEAA to:

--Issue guidelines requiring States to include a section in their State plans that discusses (1) how State criminal justice planning agency administrators plan to use evaluations to assist them in making management decisions and (2) the extent to which such administrators believe their current evaluation strategies need modifying so evaluations can be useful in the decision making process. This action should improve the States' planning and use of evaluations by requiring them to consider how useful evaluations have been and could be to management and also provide LEAA a basis for reviewing State actions.

--Disseminate this report to the States to further emphasize the need to do outcome evaluations that can be and are used in making decisions.

AGENCY COMMENTS AND ACTIONS

Department of Justice

The Department advised us by letter dated June 27, 1974, that it agreed with our recommendations and is taking action to implement them. (See app. I.)

LEAA is developing evaluation guidelines which emphasize using evaluation results in management decisions and is preparing supporting materials to enable the States to implement the guidelines and the regional offices to oversee their efforts. The Department believes it is appropriate and necessary for LEAA to establish specific evaluation requirements to fulfill as a condition of the receipt of block grant funds by the States to insure proper management and accountability at the State level.

LEAA also intends to (1) systematically assess the operation and impact of selected criminal justice programs, (2) develop evaluation methodologies appropriate for assessing the effectiveness of criminal justice programs, and, (3) arrange for and monitor evaluations of national programs. In addition, it intends to implement a management evaluation program that will require all LEAA components to periodically

assess the results of their activities as well as to develop systematic monitoring efforts and intensive evaluations in those areas where more detailed and conclusive information is needed for planning.

LEAA also agreed to disseminate our report to the States because it believed such action would add credence to its new emphasis on evaluation.

In summary, the Department's response indicates that LEAA is taking action to meet the evaluation needs identified in our report.

California

The Administrator of the California Office of Criminal Justice Planning advised us of numerous steps the State intends to take to develop more effective evaluations. (See pp. 16 and 17.) These actions indicate that California is committed to trying to use evaluations to improve its criminal justice planning and resource allocation.

Michigan

The Administrator of the Michigan Commission on Criminal Justice commented that "within the existing accepted understanding of evaluation today, this report is valid." However, he also emphasized that evaluation of the LEAA program is only one of several competing concerns expressed by the Congress and critics of the program. He stated that "the States are criticized for not being practical in awarding the money where it is needed." The States, he said, are faced with competing concerns of

--"controls versus excessive red tape,

--"block grants versus categorical grants,

--"decentralization of responsibility versus responsibility for outcome,

--"information and data availability versus security and privacy,

--"substantive concerns versus procedural concerns, and

--"the speed of expenditures versus national expenditures."

Thus, he believed it would be unfair to represent evaluation as the single, uppermost concern of the Congress regarding the LEAA program.

He also pointed out that evaluation is difficult and extremely costly, that "the causes of crime remain unknown in any real sense, and that cause and effect measurement is nearly impossible in regard to crime." He stated that evaluation is further complicated by

> "administrative requirements, the inherent conflicts within the Act, the difficulty of cost benefit analysis, the competing demands for time and money within this program, the limited value of the result of evaluation, the scope of the problem of crime versus the scope of the problem in dollar amounts, and the extent to which political factors are involved in the entire process."

He had no objection to our report's recommendations, but believed they would have little impact on the program. He believed that "all outcome evaluation, as contemplated by this report, [should] be conducted by LEAA rather than the States." LEAA should have responsibility for "technical assistance, audits, program monitoring, evaluation and research." LEAA "should be removed from the substantive crime control program except as it relates to the provision of Federal law enforcement services."

There is no doubt that evaluation is complicated by some of the factors noted by the Michigan Administrator and that other matters are important. The consequence of not doing such evaluations however is to reduce the planning process to chance. Evaluations are necessary so more effective decisions can be made regarding the allocation of resources.

The Congress has clearly expressed its intent that the LEAA program be evaluated. It has also made it clear that the States are an integral part of the LEAA program and should share program responsibilities with LEAA. Accordingly we do not agree with the Michigan Administrator that only LEAA should have responsibility for such functions as evaluation. The States must also be willing to accept such responsibilities if they want to use LEAA funds.

APPENDIX I

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

JUN 27 1974

Mr. Daniel F. Stanton
Assistant Director
General Government Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Stanton:

This letter is in response to your request for comments on the draft report titled, "Progress in Determining Types of Approaches Which Work in the Criminal Justice System."

Generally, we are in agreement with the report and share GAO's concern regarding the need for effective evaluation of programs and projects funded by the Law Enforcement Assistance Administration (LEAA). Although the report acknowledges that LEAA has undertaken several initiatives in evaluating its programs, it does not comment on many of the evaluative research projects funded by LEAA during the years 1969-1973 which have contained evaluative, assessment, or comparative research dimensions. In most cases, these projects entailed both the development and evaluation of programs to improve law enforcement and the administration of justice, with the intensity of evaluation varying from project to project. A summary cataloguing these efforts has been prepared by LEAA and is available for review and consideration by the GAO.

As we have previously indicated in responses to other GAO reports, it has become increasingly clear to us that there is a definite need to assess the effectiveness of LEAA's programs in achieving their objectives. This need was also clearly recognized by Congress in its hearings on the Crime Control Act of 1973. In response to this need and the Congressional mandate for effective evaluation, LEAA took several steps in the fall of 1973 to develop a more effective evaluation capability. It established an Office of Evaluation and delegated to it responsibility for fulfilling LEAA's responsibilities and needs with

APPENDIX I

respect to evaluation. Perhaps more significantly, the Administrator created an Evaluation Policy Task Force in November of 1973 and charged it with developing an evaluation program to generate information to meet the needs of all participants in the LEAA program. Consisting of representatives from the State Planning Agencies and all components of LEAA, the Task Force submitted its report on schedule in March of 1974.

Working from the recommendations of the Task Force, LEAA is developing an evaluation program which, when coordinated with the evaluation efforts of the states, promises to meet all of the evaluation needs identified in the GAO report. The goals of the LEAA Evaluation Program will be those recommended by the Evaluation Policy Task Force:

-- to obtain and disseminate information on the cost and effectiveness of various approaches to solving crime and criminal justice problems.

-- to have performance information used at each LEAA administrative level in planning and decision-making in order to assist program managers achieve established goals.

-- to help state and local criminal justice system units realize the benefits of utilizing evaluation as part of their management system.

The report recommends that LEAA issue guidelines requiring states to include a section in their State plans that discusses (1) how State Planning Agency (SPA) management views that it can use evaluations to attain its goals by furnishing information, analyses, appraisals and recommendations pertinent to its duties and objectives, and (2) the extent to which the state believes its current evaluation strategy needs modifying so management can realize benefits intended by evaluations.

LEAA considers the recommendation to be appropriate and implementing action has been initiated. We have circulated a set of proposed guidelines which are almost ready for clearance outside the agency in accordance with the requirements of OMB Circular No. A-95. The guidelines place a major emphasis on the use of evaluation results in management decisions. Also, we are in the process of preparing supporting materials to enable the states to implement the guidelines and the Regional Offices to oversee their efforts. Further, two publications that address alternative structures for SPA monitoring systems and more sophisticated evaluation efforts are in the process of development.

We feel that the LEAA role of establishing specific evaluation requirements to be fulfilled as a condition of the receipt of block grant funds by the states is both appropriate and necessary to insure proper management and accountability at the state level. Thus, we are proposing more detailed and comprehensive evaluation requirements for FY 1975. These requirements should increase the number and quality of evaluation activities carried out by the states. With LEAA serving in a coordinating role and providing guidance and assistance to the states, we can expect a more coherent evaluation program at the state level. As part of this coordinated effort, LEAA will:

-- become thoroughly familiar with the evaluation activities and plans of each of the 50 states.

-- by means of a "circuit rider" approach, maintain personal contact with the evaluation units in each of the 50 states.

-- develop and maintain a resource pool of qualified criminal justice evaluators in all areas of criminal justice. This pool will be a resource for the states as well as national and regional LEAA offices.

-- develop and maintain a reference list of criminal justice evaluations completed and in process. This also will be tapped by both state SPAs and national and regional LEAA offices when seeking evaluative information.

-- provide an active communications link among states seeking information about alternative evaluation systems in other states, funding options for evaluation, interpretations of evaluation requirements and guidelines, evaluation training sessions, etc.

-- arrange and support training sessions for national, regional, and state evaluation personnel.

-- assess the evaluation needs of the states on a continuing basis and develop recommendations for LEAA action with respect to those needs.

-- establish a mechanism for ensuring that the results of LEAA evaluations are communicated to all parties whose programs and activities are potentially affected by them.

APPENDIX I

In addition, under the Evaluation Program, LEAA will (1) systematically assess the operation and impact of selected criminal justice programs supported under the Omnibus Crime Control and Safe Streets Act of 1973, (2) develop evaluation methodologies appropriate for assessing the effectiveness of criminal justice programs, and (3) arrange for and monitor evaluations of national programs.

Clearly, the tasks outlined above are important in operating an efficient and comprehensive LEAA evaluation effort at all levels. LEAA intends to play a key coordinating role in its overall evaluation efforts and will provide much needed liaison services with the states.

In addition to the evaluation program outlined above, LEAA intends to implement a management evaluation program that will require all components of LEAA to periodically assess the results of their activities as well as the results of the projects they support. The program also requires a systematic monitoring effort and intensive evaluations in those areas where more detailed and conclusive information is needed for planning purposes. Essentially, the program applies the same evaluation guidelines to all LEAA offices as will be applied to the states. This reflects LEAA's belief that evaluation is a basic management tool the use of which should not be limited to particular projects.

The report also recommends that LEAA disseminate GAO's report to the states so they will be aware of the need to do outcome evaluations that can be and are used in making decisions.

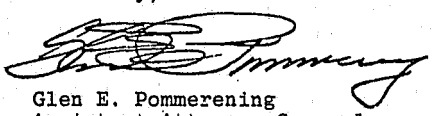
LEAA concurs with the recommendation and will initiate such action upon receipt of the final report from GAO. Such a report would most certainly add credence to our new emphasis on evaluation.

In summary, we would like to again emphasize that the new Administration of LEAA is committed to a management style which requires sound evaluation to provide accurate information for planning and funding decisions. Our recent actions, as described herein, to expand the role of evaluation within LEAA programs, demonstrates our determination to be responsive to the conditions highlighted by the report. We feel that the initiatives we are taking will not only fulfill

the Congressional mandate for evaluation, but also provide us with needed information about what works and doesn't work in the criminal justice system.

We appreciate the opportunity given us to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,



Glen E. Pommerening
Acting Assistant Attorney General
for Administration

APPENDIX II

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTORNEY GENERAL:		
William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Richard W. Velde	Sept. 1974	Present
Donald E. Santarelli	Apr. 1973	Aug. 1974
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

APPENDIX B-4

LONG-TERM IMPACT OF LAW ENFORCEMENT ASSISTANCE GRANTS CAN BE IMPROVED, DECEMBER 23, 1974

REPORT TO THE CONGRESS

Long—Term Impact Of Law Enforcement Assistance Grants Can Be Improved

Law Enforcement Assistance Administration
Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-1

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the Speaker of the House of Representatives
and the President pro tempore of the Senate

This is our report on the need to improve the long-term impact of the Law Enforcement Assistance Administration grant program.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO General Accounting Office

LEAA Law Enforcement Assistance Administration

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COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

LONG-TERM IMPACT OF LAW ENFORCEMENT ASSISTANCE GRANTS CAN BE IMPROVED

Law Enforcement Assistance
Administration
Department of Justice

D I G E S T

WHY THE REVIEW WAS MADE

Since fiscal year 1969 the Federal Government, through the Law Enforcement Assistance Administration (LEAA), has awarded about $2.6 billion to help States improve their criminal justice systems and to prevent or reduce crime.

The Congress intended that LEAA funds be used as a catalyst to bring about lasting improvements in the States' criminal justice systems. The Omnibus Crime Control and Safe Streets Act of 1968, as amended, requires that the States demonstrate their willingness, and that of local governments, to assume the cost of projects funded after a reasonable period of Federal assistance.

To provide the Congress information on the extent to which LEAA and the States have met that legislative intent, GAO obtained information on:

--How many long-term projects continued after LEAA funding stopped.

--How many projects merited continuation but did not continue.

--How LEAA and different State policies and practices affected the continuation of worthwhile projects.

FINDINGS AND CONCLUSIONS

LEAA funds provided to States represent only a small portion of total national criminal justice expenditures. Nevertheless, they have the potential for impact since they are the primary funds to be used for innovations and improvements.

For LEAA funds to influence changes, it is essential that LEAA and the States adopt policies to insure that successful projects continue once LEAA funding stops.

As a result of inadequate LEAA guidelines, States' policies regarding continuation of projects varied significantly. States' success rates on continuing worthwhile projects also varied.

As of June 30, 1973, only 6 percent of projects no longer receiving LEAA funds were for long-term purposes--such as counseling delinquents, hiring additional policemen, or

rehabilitating offenders--which involved continuing operations and required continual funding for the project to continue. (See p. 11 and app. III.)

As more projects reach the end of their LEAA funding periods, the problem of finding alternative fund sources becomes even more important. One State, for example, reported it had only three long-term projects terminated from LEAA funding as of March 31, 1973. The State expects 80 to 120 major projects to cease receiving LEAA funds in calendar year 1974. (See pp. 30 to 33.)

By providing the States more guidance on how to continue worthwhile efforts, LEAA could substantially improve prospects of its grant program having a positive long-term impact on the States' criminal justice systems.

Problems LEAA and States had in adequately developing continuation policies are discussed below, as is GAO's analysis of the extent to which worthwhile long-term projects continued.

The analysis is based on a detailed review of the continuation policies and practices in Alabama, California, Michigan, Ohio, Oregon, and Washington and on responses by 39 States and the District of Columbia to a GAO questionnaire.

Inadequate emphasis on continuation needs

Neither LEAA nor the six States emphasized sufficiently the problem of how to continue worthwhile long-term projects. The varying degrees of State success in continuing worthwhile projects after LEAA funding stopped were partly attributable to a lack of adequate LEAA guidelines and the resulting differences in State policies.

LEAA guidelines did not adequately address the project continuation issue by specifying factors or providing policies that would help States continue projects. States had independently developed their own continuation policies.

Many factors influence continuation of projects after LEAA funding stops. Some, such as economic conditions and dedication of project personnel, are beyond the control of LEAA and appropriate State criminal justice agencies. Others may be controlled through guidelines and requirements.

Three factors which influence project continuation are project financing, project evaluations, and technical assistance. The emphasis given these factors varied among the States.

For example, project funding periods among the States visited ranged from 1 to 5 years. Also one State required extensive planning for assuming project costs by non-LEAA sources; another State required none. (See ch. 2.)

Limited success in continuing projects

Apparently worthwhile long-term projects were discontinued or had their operations significantly reduced after LEAA funding ended. In the six States LEAA funding had stopped for 440 long-term projects.

--281, or 64 percent, awarded about $15.5 million in LEAA funds, continued to operate at

expanded or at about the same levels.

--159, or 36 percent, awarded about $12 million in LEAA funds, either had their operations stopped or the scope of their operations reduced significantly.

According to State and project officials, at least 95 of the 159 projects (60 percent) merited continuation. (See pp. 11 to 13.)

Of the 281 projects operating at the same or expanded levels of funding after LEAA funding ceased, 253 continued with State or local funds and 28 were continued with non-LEAA Federal funds.

National perspective

Neither LEAA nor the States had adequate information on the extent to which projects continued or merited continuation. Such information is necessary to help assess the impact of the LEAA program. Therefore, to determine the potential long-term impact of LEAA funding, GAO queried all States by a two-part questionnaire.

The first part requested information on State policies that could influence projects continuing after LEAA funding ended; this part was completed by all 50 States and the District of Columbia.

The second part requested financial data and other information, such as status of long-term projects no longer receiving LEAA funding (terminated projects). Thirty-nine States and the District completed the second part.

State responses indicated the variations in continuation policies and showed that many States had not adequately addressed the continuation issue. For example:

--Seven States had no policies or time limits on length of time projects should be funded by LEAA. The other 43 States funded projects from 1 to 8 years.

--Twenty-five States required applications for LEAA funds to present various types of plans showing how, when, and by whom project costs would be assumed once LEAA funding stopped.

One State required only that potential fund sources be identified, and 24 States did not require a plan showing how, when, and by whom project costs would be assumed.

--Twenty-one States eased the transition from Federal to full State or local funding by increasing the percentages of State or local support provided through the life of the LEAA grant.

The rate of increase varied, however, from State to State. Five States said they use increased matching rates but have not set specific percentages. The other 24 States did not use increasing matching rates.

--Technical assistance provided to projects varied significantly. Six States provided no continuation assistance, 16 provided assistance on request, 27 provided assistance informally, and 1 said it had not experienced the continuation problem. (See ch. 4.)

LEAA's program has been operating since fiscal year 1969. It is not too early to consider institutionalizing improvements begun with LEAA funds in light of congressional intent that LEAA funds act as a catalyst to allow States to make lasting improvements. Both LEAA and the States must better insure that worthwhile long-term projects continue once LEAA funding stops.

RECOMMENDATIONS

To develop information needed to assess the long-term impact of the LEAA program, determine potential weaknesses, and better insure that worthwhile projects are continued, the Attorney General should direct LEAA to:

--Require that LEAA and State information systems provide for developing information on the extent to which projects continue.

--Establish requirements for reporting in State law enforcement plans and in the LEAA Annual Report on the continuation of long-term projects after LEAA funding ceases.

--Require that LEAA develop a coordinated continuation policy to be implemented by each State:

1. Defining how long LEAA funds should be used to support each type of project.

2. Developing funding methods which ease the transition to full State or local funding, such as progressive matching rates.

3. Defining standard grant application provisions which detail how, when, by whom, and under what conditions project costs will be assumed.

4. Defining the types of technical assistance to be offered in planning for future continuation of projects.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Department of Justice said it agreed with GAO's recommendations that LEAA and the States develop better information on the extent to which projects continue and said LEAA will explore ways to obtain and report it. (See app. I.)

The Department did not agree to completely implement GAO's recommendation that LEAA modify its current project continuation guidelines to make them more specific. It said the issues of defining how long LEAA funds should be used, of developing methods of transition to full local funding, and of defining standard grant application provisions and the nature of

technical assistance to be provided, are far reaching and will be given further study by LEAA.

GAO agrees such changes could be far reaching and does not object to further study. But the danger is that the issue will be studied indefinitely and no conclusion will be reached. Improvement is needed in light of GAO's finding that State and local officials believed 60 percent of the long-term projects that were stopped or had their operations significantly reduced when LEAA funding stopped either merited continuation if stopped or should have been funded at a higher level if continued.

It would be desirable if LEAA completed its study before submitting its fiscal year 1976 budget request to the Congress and reported to the Congress on what actions it believes should be taken.

The States GAO visited generally agreed with GAO's findings and conclusion that there was a need to more fully consider ways to insure that worthwhile projects continue once LEAA funding stops.

MATTERS FOR CONSIDERATION BY THE CONGRESS

In the next several years many more projects will stop receiving LEAA funds and will have to be funded by other sources to continue. As more information becomes available on which worthwhile projects continue, the Congress may wish to discuss with LEAA the extent to which its efforts are acting as a catalyst to get State and local governments to permanently implement criminal justice improvements tried and tested with LEAA funds.

Because of the significance of this issue, the Congress may also want to follow up with LEAA on the results of its study of ways to improve the continuation policies of the States.

CHAPTER 1

INTRODUCTION

The Law Enforcement Assistance Administration (LEAA) of the Department of Justice has awarded about $2.6 billion since fiscal year 1969 to help State and local governments improve and strengthen their criminal justice systems and to prevent or reduce crime. States have funded over 40,000 grants. Have worthwhile State and local projects continued to operate after LEAA funding stopped? This report provides some answers.

TYPES OF LEAA-FUNDED PROJECTS

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3701), established LEAA to:

--Encourage State and local governments to develop comprehensive law enforcement plans.

--Authorize grants to States and local governments to improve and strengthen law enforcement.

--Encourage research and development of new methods for improving law enforcement, for preventing and reducing crime, and for detecting and apprehending criminals.

To qualify for grants, States must evaluate State and local problems and prepare comprehensive law enforcement plans describing the projects proposed for funding. States are to receive advice from regional planning units as the States develop and complete their comprehensive plans. These plans, after being approved by LEAA regional administrators, form the basis for the States to receive Federal block grants, which are allocated primarily on the basis of their populations. The Crime Control Act of 1973, which amended the 1968 act, extended LEAA's existence through June 1976 and reemphasized the legislative intent of improving the criminal justice system.

State plans set forth broad program areas for which projects may be funded, such as juvenile delinquency,

upgrading law enforcement personnel, and corrections. Both short-term and long-term projects can be funded for each program area.

Short-term projects--such as construction, equipment purchases, and training--normally would either stop after the grant period or would require only maintenance and upkeep funds once LEAA funding stopped. Long-term projects--such as counseling delinquents, hiring additional policemen, or rehabilitating offenders--involve continuing operations and would require continual funding, other than just for maintenance, after the LEAA grant stops.

LEAA's legislation intends that projects be continued by the State and local governments after LEAA funding stops. LEAA's funds are to be used as a catalyst to bring about lasting improvements in the criminal justice system. Section 303 of the act specifies that State law enforcement plans must:

> "* * * demonstrate the willingness of the State and units of general local government to assume the costs of improvements funded * * * after a reasonable period of Federal assistance."

Not all projects should continue once LEAA funding stops. For example, an unsuccessful project or one that demonstrates that a particular endeavor will not work should be stopped. But for LEAA funds to have any lasting impact on State and local criminal justice systems, worthwhile long-term projects should continue once the grant period expires.

PURPOSE AND SCOPE OF REVIEW

--How many long-term projects continued operating after LEAA funding stopped?

--How many merited continuation but did not continue?

--How did LEAA and different State policies and practices affect the continuation of worthwhile long-term projects?

Neither LEAA nor the States had adequate answers. Therefore, to determine the potential long-term impact of LEAA funding, we:

--Reviewed in detail the continuation policies and practices of LEAA and Alabama, California, Michigan, Ohio, Oregon, and Washington.

--Queried the other States, the District of Columbia, and four territorial jurisdictions[1] by a two-part questionnaire.

The first part of the questionnaire requested information on State policies that might influence whether projects continue after LEAA funding ends; this part was completed by all 50 States, the District of Columbia, and Puerto Rico. The second part requested financial and management data, such as the status of long-term projects no longer receiving LEAA funding. All States but Colorado, Florida, Maine, Massachusetts, Minnesota, New Hampshire, New Mexico, Oklahoma, Pennsylvania, Rhode Island, and South Dakota provided us this information. Those States not responding told us they did not provide the information because:

--LEAA has not required the States to continue monitoring projects after LEAA funds stop.

--No data base exists that includes continuation information.

--Staff was not available to complete the questionnaire or do the research necessary to develop the information.

Our fieldwork was done between July 1973 and March 1974. Most State responses to the questionnaire were received in late 1973.

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[1]Three of the four jurisdictions did not reply to our questionnaire. We have therefore excluded them from this report.

CHAPTER 2

NEED TO IMPROVE LEAA GUIDELINES

LEAA funds provided to States represent only a small portion of total national criminal justice expenditures. Nevertheless, they have the potential for significant impact since they are the primary funds to be used for innovations and improvements in the criminal justice system. For LEAA funds to influence changes, it is essential that LEAA and the States adopt policies to insure that successful projects continue once LEAA funding stops. As a result of inadequate LEAA guidelines States' policies varied. The extent to which States continued worthwhile projects also varied.

FACTORS AFFECTING PROJECT CONTINUATION

Many factors influence the continuation of projects after LEAA funding stops. Some, such as economic conditions and dedication of project personnel, are beyond the control of LEAA and the appropriate State criminal justice agencies. Others may be controlled through guidelines and requirements and can affect the chances of worthwhile projects continuing. Three such factors are:

--Project financing.

--Project evaluations.

--Technical assistance.

All of the factors are interrelated and should receive consideration by LEAA, States, and subgrantees. For example, the financing of long-term projects after LEAA funding stops encompasses (1) having a plan for assuming cost, (2) knowing how long LEAA funds will be provided, and (3) having a transition from primarily Federal to full State or local funding. Projects that are not worthwhile should not continue. This can be determined by an adequate evaluation. Timely technical assistance can help projects develop financing plans and evaluation strategies.

Project financing

Project financing, as noted above, encompasses cost assumption planning, which is detailed in subgrantee application forms, and funding policies, such as funding periods and matching rates required by the act, LEAA, or States. The importance of the application form and funding policies is discussed below.

Planning for assuming costs

The grant application, which must be approved before grant awards, describes planned project activities--such as purpose, goals, staffing, etc. Since it is known from the beginning that LEAA will not fund a long-term project indefinitely, the application should include a specific plan for financing the project, if proven worthwhile, after LEAA funding ends.

Applications should note not only potential funding sources but should also detail how, when, and by whom project costs are expected to be assumed. Plans for assuming costs worked out jointly with the funding source and a representative of the potential State or local funding source as a signatory on the application would reasonably insure that the project, if worthwhile, will be continued. Projects that have not developed future funding sources at the start of the LEAA grant period often have not developed adequate sources by the end of LEAA funding. This often results in stopping or reducing operations when LEAA funding ceases. As a result the project has limited impact on the criminal justice system, as discussed in chapter 3.

Project funding periods

Projects generally receive annual funding grants. However, they are usually eligible to receive more than one. Many long-term projects have received two or more grants. Knowledge of the total number of annual grants a project can expect to receive can influence the ability to secure other funding sources.

The length of the LEAA funding can affect the continuation of projects attempting to demonstrate the effectiveness of new approaches to fight crime. For example, a project that has a new approach to rehabilitate offenders may require at least 3 years to prove its merit. In such cases, if the LEAA funding period is not known and LEAA funds are not received for the full 3 years, it is questionable whether local governments will absorb project costs after only 1 or 2 years of LEAA funding. The continuation of other types of projects, such as the hiring of additional policemen, would not be as dependent on minimum funding periods because the merit of such projects is generally known before they start.

Continuation of projects relies upon units of government or other funding sources to budget for the eventual assumption of project costs. Therefore, sufficient leadtime denoting termination of LEAA funding is essential. Uncertainty as to how many grants a project will receive or

early termination of LEAA funding will often result in stopping projects or significantly reducing operations.

Matching rates

The 1968 act required that, for a grantee to be eligible for LEAA block grant funds, the Federal grant must be matched by State or local governments by either cash or in-kind service. Prescribed minimum matching rates for long-term projects have varied by project type and have changed since 1968. Initially the Federal Government supplied either 60 or 75 percent of the total project costs. The 1973 act increased the Federal share to 90 percent but specified that the 10-percent State and local share be in cash and that the State provide not less than one-half of the 10 percent (or 5 percent) of total project costs and the projects provide the other one-half.

LEAA has recommended that, apart from the overall Federal-State matching requirements, States require individual projects to contribute a greater percentage of the projects' total costs to increase the total funds available to the criminal justice system.

Increasing the State and local share of funding over the life of a project can influence continuation of the project after LEAA funding stops. For example, one State required that the State and local contribution increase over a 4-year period from 25 to 50 percent of total project costs. Such a policy increases the chances of projects continuing once LEAA funding stops because it:

--Eases the transition from primarily Federal to full State or local funding. This can be significant for projects involving large amounts of funds.

--Encourages increasing involvement of State and local funding sources in project activities.

--Insures planning for assuming costs.

Project evaluations

Obviously projects that are not needed or are ineffective should not continue. Therefore governments and other funding sources need to know the effectiveness of projects before making funding decisions regarding project continuation.

Project evaluations can provide the basis for objectively deciding whether to continue projects. As a result, evaluations or the lack of them can influence the continuation of projects.

Evaluations need to be timely and adequately show the need for and effectiveness of projects. An evaluation completed after funding decisions have to be made loses much of the benefit as a decisionmaking tool. Similarly, an evaluation that lacks the data necessary to make objective decisions is also not adequate.

In March 1974 we reported to the Congress[1] on LEAA and specific State evaluation problems and recommended that LEAA establish, for similar projects, the following.

--Guidelines relating to goals, the type of staff that could be employed, the range of services that could be provided, and expected ranges of costs to be incurred.

--Uniform information to be gathered.

--Standard reporting systems.

--A standard range of expected accomplishments that can be used to determine if the projects are effective.

--Standardized evaluation methods that should be used so comparable results can be developed on the projects' impact.

LEAA has generally agreed to implement these recommendations.

Technical assistance

The act requires that, to be eligible for LEAA block funds, the States must be willing to provide technical assistance to project personnel. Project applicants often need assistance to meet the administrative and fiscal requirements to apply for and operate a project provided an LEAA grant. Such assistance includes how to fill out grant

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[1]"Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974).

applications and the reports needed to receive funds, report expenditures, and show project progress. However, to insure that projects can continue after LEAA funding stops, assistance must go beyond this level.

Our review indicates that projects continue if they are (1) effective, (2) can demonstrate their need to be continued, and (3) have developed adequate follow-on funding sources. As a result, assistance should be available to

--help adequately plan and carry out project activities,

--help design and implement an evaluation that will reflect project merit, and

--help develop adequate assumption of cost plans.

INADEQUATE LEAA GUIDELINES

In November 1968 LEAA provided States guidelines for State planning agency grants which stated:

> "* * * the plans should * * * indicate how new elements and systems may ultimately be absorbed into the regular budgeting of State and local law enforcement systems."

In 1972 LEAA provided States revised guidelines for comprehensive State plans and grant applications stating that applications must:

> "* * * indicate how new elements and systems initially funded with Federal funds may ultimately be absorbed into the regular budgeting of State and local enforcement systems and indicate the extent to which this has already taken place."

This requirement was expanded in December 1973 when the fiscal year 1974 plan guidelines were issued. The new guidelines have three requirements for State reporting: (1) indicating how long the State will generally continue funding a project, (2) providing the percentage of continuation funding for each fiscal year grant award, and (3) indicating how new elements and systems initially funded with Federal funds may ultimately be absorbed into regular budgeting of State and local enforcement systems.

These requirements are a step in the right direction but do not go far enough. They generally only request information on States' policies, such as funding periods and the percentage of funds spent on previously funded projects.

The guidelines have not established or recommended such elements as: (1) the ranges of time to fund various types of projects, (2) increased matching fund percentages to ease transitions to local funding, (3) grant application forms which require assumption of cost planning, and (4) specific technical assistance to subgrantees. These factors, as previously discussed, are important to insure project continuation.

LEAA guidelines require States to indicate the extent to which new elements and systems are absorbed into State and local systems. The guidelines, however, do not suggest what information the States should provide to accomplish this. Needed information could include the number of long-term projects on which LEAA funding had stopped, their merits (successful or unsuccessful), and the number of successful projects continued with other funding.

LEAA also issued guidelines on evaluation. The guidelines for 1973 comprehensive State plans stated that:

> "Program and project evaluation is necessary as a basis for updating and revising future plans, and to gauge success of implementation. Too little is known about the degree to which current projects and programs have been effective.
> * * *"

The guidelines define evaluation as answering whether

--the grantee accomplished what it said it would,

--the project contributed to the State's goals and objectives, and

--side effects, good or bad, resulted from the project.

The guidelines require that States consider and select one of the following alternatives for evaluating projects it funded.

--Evaluate 15 percent of the total number of subgrants awarded in fiscal year 1973.

--Evaluate 15 percent of the total dollar value of subgrants awarded in fiscal year 1973.

--Evaluate all subgrants awarded in one program area.

The evaluation guidelines require evaluations but do not state when projects should be evaluated so that projects

to be terminated from LEAA funding will have objective data for other funding sources to make continuation decisions.

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Each of the above-mentioned factors can significantly affect project continuation. However, these factors are interrelated. To help insure that worthwhile projects continue, these factors should be developed as part of a system. Such a system would require appropriate direction and guidelines. As shown in the following chapters, LEAA's efforts have not been sufficient to insure that the States adequately address the need to determine ways to continually fund worthwhile long-term projects once LEAA funding stops.

CHAPTER 3

LIMITED SUCCESS IN CONTINUING PROJECTS

Variations in the degree to which the States continued worthwhile projects once LEAA funding stopped showed that the impact of Federal funds on making lasting improvements to the criminal justice system had not been as great as possible. Some apparently worthwhile long-term projects either did not continue or significantly reduced operations when LEAA funding stopped.

Neither LEAA nor most States have emphasized or considered sufficiently the project continuation problem. The lack of adequate LEAA guidelines regarding the need to continue worthwhile projects and variations in policy among the States affected the extent to which worthwhile projects continued.

The 39 States and the District of Columbia, which were either visited by us or had completed a questionnaire, reported that 25,701 projects were no longer receiving LEAA funds prior to July 1, 1973. They considered 6 percent of the projects (1,518) to be long term. What happened to long-term projects in six States visited follows. Chapter 4 summarizes State responses to the questionnaire.

PROJECT CONTINUATION IN STATES VISITED

In the 6 States, 3,473 projects were terminated from LEAA funding before July 1, 1973. However, only 440 projects, or 13 percent, were long term. Funding activity and operating status of long-term projects for each State are shown in the following tables.

State	Total block funds	Total projects funded	Total projects on which LEAA funding ended as of June 1973	
			Number	Percent
Alabama	$ 16,520,942	1,693	1,310	77
California	152,304,610	975	450	46
Michigan	59,359,187	600	265	44
Ohio	43,885,760	1,415	1,068	75
Oregon	9,917,620	208	112	54
Washington	18,703,071	474	268	57
Total	$300,691,190	5,365	3,473	65

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Of the 3,473 projects on which LEAA funding ended, the following were considered long term on the basis of information provided by the States and project personnel

State	Long-term projects on which LEAA funding ended	Funds awarded	Percent of all projects on which LEAA funding ended	Percent of total funds awarded
Alabama	163	$ 2,593,556	12	16
California	101	13,385,920	21	9
Michigan	64	4,481,277	24	8
Ohio	40	2,066,293	4	5
Oregon	28	1,644,352	25	17
Washington	44	3,218,356	16	17
Total	440	$27,389,754	13	9

The following table provides information on the status of these long-term projects. We classified projects' operational status as (1) expanded or about the same level, (2) significantly reduced, and (3) stopped. Our criterion for classifying projects as significantly reduced was that a reduction of 50 percent or more occurred at the time of our review in the project's funding, number of staff, or services.

State	Expanded or about the same level		Significantly reduced		Stopped		Reduced and stopped projects as a percent of total	
	Number	Amount	Number	Amount	Number	Amount	Projects	Amount
Alabama	138	$ 2,096,574	6	$ 216,526	19	$ 280,456	15	19
California	45	6,899,258	23	2,813,437	33	3,673,225	55	48
Michigan	41	3,403,570	4	235,456	19	842,251	36	24
Ohio	18	998,616	9	386,645	13	681,032	55	52
Oregon	20	1,229,593	3	11,545	5	403,214	29	25
Washington	19	908,198	12	1,599,626	13	710,532	57	72
Total	281	$15,535,809	57	$5,263,235	102	$6,590,710		
Percent	64		13		23			

We attempted to determine how many of the 159 projects that either stopped or significantly reduced operations merited continuation. Evaluation reports and other data on the merit of projects were generally not available because reports either were not made, were being made, or were inconclusive on whether a project merited continuation. Therefore, we asked State and project officials if the 159 projects merited continuation.

According to these officials, at least 95 of the 159 projects (60 percent) either merited continuation if terminated or merited a higher level of funding if continued at a reduced rate. Some other projects might have merited continuation if the States had provided appropriate assistance to the projects during the time they had received LEAA funds to help them develop adequate evaluations and to secure possible further funding commitments from other State or local sources.

A summary of the reasons State and project officials gave for the 159 projects being stopped or significantly reduced follows.

	Total projects	Projects that should have continued	
		Number	Percent
Ineffective	13	-	-
Not needed	11	-	-
Inadequate evaluation	13	5	38
Lack of State or local funds (note a)	72	58	81
Poor administration	19	7	37
Other (note b)	31	25	81
Total	159	95	60

[a]Primarily due to inadequate cost assumption planning regarding such things as securing a firm commitment from potential funding sponsors and developing adequate increasing local matching rates.

[b]Includes such things as lack of qualified persons to hire and changes in regional priorities.

Appendix II includes details on the six States.

For those long-term projects that were not stopped or significantly reduced (281 of 440), about 90 percent received additional funding from State or local sources, as shown below.

State	Total projects	Projects continuing with Federal funds		Projects continuing with State and local funds	
		Number	Percent	Number	Percent
Alabama	138	1	1	137	99
California	45	6	13	39	87
Michigan	41	4	10	37	90
Ohio	18	2	11	16	89
Oregon	20	10	50	10	50
Washington	19	5	26	14	74
Total	281	28	10	253	90

In the few cases when Federal funds were used, they were either general revenue sharing or Department of Health, Education, and Welfare funds.

Because the Crime Control Act of 1973 and LEAA guidelines do not address the use of Federal funds to continue worthwhile projects once LEAA funding stops, State practices on the use of Federal funds vary. Oregon, for example, used several sources of Federal funding to keep projects continuing. Officials in Iowa and North Carolina said they do not encourage applicants to use Federal funds to continue projects because LEAA provides seed money and the act intends that States and local governments continue projects. According to an official in North Dakota, generally the only funds available to continue projects once LEAA funding stops are funds from other Federal programs.

The limited use of other Federal funds to continue projects may increase because many more projects will be terminated from LEAA funding. (See ch. 5.)

VARIATIONS IN STATES' POLICIES

Specific policy and procedural differences and success rates in the six States demonstrate the importance of adequately addressing each continuation factor discussed on pages 4 to 8.

Alabama

Of 163 long-term projects for which LEAA funding had ended, 25 had stopped or significantly reduced operations. These 25 projects had been awarded $497,000 in LEAA funds. Twenty-four of the 25 projects merited continuation, according to State and project officials.

However, of the 163 long-term projects, 149, or 91 percent, were for the hiring or continued employment of law

enforcement personnel--police, sheriffs, and investigators. Such projects, which are the traditional methods of improving law enforcement, generally do not require as extensive an effort to obtain local support and funding as do other more innovative long-term projects, such as drug or alcohol treatment centers. Therefore, the results of continuing the personnel projects are probably not a good indication of the State's adequacy in applying good continuation practices.

The Alabama deputy director of the State criminal justice planning agency said Alabama has not established continuation policies for funding periods, increased matching funds, evaluations, or technical assistance.

Alabama has recognized the need to develop a grant application form which covers assumption of cost and to improve project evaluation. For example, in 1973 Alabama adopted the Michigan State grant application form. The form requires subgrantees to do advance project planning and establish criteria by which to measure the project's success so that local governments can make continuation funding decisions. Alabama is also improving evaluation procedures by having a local university develop a project evaluation plan.

To aid in planning and project continuation, State officials have developed general master plans which address planned, long-term State-wide criminal justice efforts. According to the Alabama criminal justice planning agency deputy director, this plan, required by LEAA's Atlanta region, provides two significant improvements over the comprehensive State plans which LEAA must approve annually. The master plans require that

--planning for criminal justice projects be based on all types of Federal, State, and local funds which might be available and

--anticipated long-range funding commitments by State and local governments for specific projects be identified so overall budget needs can be better determined.

California

Of 101 long-term projects, 56, awarded $6,487,000 in LEAA funds, stopped or significantly reduced operations. According to State and project officials, 26 (46 percent) of the 56 merited continuation.

In contrast to Alabama, California has funded more long-term projects which were not for hiring personnel. In many cases, these grantees had to demonstrate their projects' effectiveness before local governments would assume the projects' costs. These projects, therefore, had a more difficult time continuing once LEAA funding stopped.

Of the 26 projects that had stopped or significantly reduced operations but were said to have merited continuation, 16 did so because of lack of local funds.

California's March 1973 application instructions state that assuming project costs is required but do not require that the application contain a section that addresses future funding plans. The State criminal justice agency planning director said sponsors know of the continuation intent and that, when they sign applications, they assume the implied responsibility for future funding. However, a detailed plan specifying how, when, and by whom project costs might be assumed is not a condition of the grant award.

Six projects were stopped or significantly reduced because of inadequate evaluations. State policy requires evaluation of all projects. The Director of the State criminal justice planning agency said this policy has not been enforced. Moreover, as noted in a previous GAO report, California officials were not satisfied with the adequacy of most project evaluations completed.[1]

Several projects were stopped because of problems with the State's 3-year funding period policy--which meant that projects could expect to receive LEAA funds for 3 years--and lack of State funds. For example, a project which assisted parolees was funded for 1 year by the State with $46,263 of LEAA funds. The project and its funding sponsor--the California Youth Authority--had originally expected 3 years of LEAA funding. However, 2 weeks before termination of LEAA's first year of funding, California criminal justice planning agency personnel visited the project. They believed it should be continued with youth authority funds because it had proven effective and therefore no longer needed LEAA funds, which were to be used to determine if the project was worthwhile.

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[1]"Progress in Determining Approaches Which Work in the Criminal Justice System," (Oct. 21, 1974, B-171019).

As a result, the project did not receive a second year of LEAA funding. The funding sponsor, however, had not planned to fund the project until the 3 years of LEAA funding ended. Therefore, the youth authority had insufficient funds to provide the $100,000 needed to continue the program. Thus, a project stopped that both State and project officials thought merited continuation.

The 21 criminal justice planning regions in California, which are composed of 1 large county or group of small counties and recommend to the State funding of projects in their regions, had independently established priorities for approving projects. For example, the 1974 regional plans for two regions had substantial differences. One region established four criteria for selecting projects with the first priority going to projects presently being funded by the region. A second region, which had no priority for previously funded projects, established five general criteria, such as review of general objectives, project design, evaluation criteria, cost effectiveness, and impact on the justice system. How did these differences affect projects? The following example shows a project which was discontinued from LEAA funding before it could arrange for local funding because priorities were changed.

A juvenile delinquency project which project personnel originally thought would receive 3 years of funding was terminated from LEAA funding after 21 months. The project, which worked with school dropouts, received $134,836 from LEAA. Project personnel said the project was just getting off the ground when the region changed its priorities and terminated project funding. The region wanted a rehabilitation rather than a crime prevention project. The project stopped since no other agency was prepared to assume funding at that time. The project staff did not anticipate the need to seek other funding sources during the project's second year because they expected to receive the 3 years of LEAA funding.

To help projects continue and plan for assuming costs, California established matching rates in May 1972 to require a decreased proportion of Federal funds for second- or third-year projects. No matching rates were required, but local funding had to be a greater percentage of a project's total funds in the third year than in the second year.

California has also developed a multiyear funding plan which essentially guarantees a project 2 years of funding if it performs satisfactorily. The State criminal justice planning agency director planned to extend the plan to

guarantee 3 years of funding for certain projects in fiscal year 1975.

Michigan

Of 64 long-term projects for which LEAA funding had ended, 23 had stopped or significantly reduced operations. These 23 had been awarded $1,078,000 in LEAA funds. According to State and project officials, 9 of the 23 (39 percent) merited continuation. Although these figures indicate some problems in continuing worthwhile projects, they also indicate that Michigan had some success. Why?

One reason appears to be the way Michigan's grant application addresses cost assumption. Whereas other States may require a project applicant to merely indicate its awareness of the need to consider continuation fund, Michigan requires all applicants to:

--Express precisely the degree to which financial responsibility for continuing the projects can be assumed.

--Show the number of years of LEAA funding that will be required.

--Qualify and explain standards that will be used to determine if the project will be continued.

The State criminal justice planning agency administrator said that, although the assumption of cost plans cannot be practically enforced, the requirements increase the applicants' moral commitment to continue projects and require them to do advance planning, which they would otherwise probably ignore. He said that it has been stressed to applicants that LEAA funding is only short term and that the applicant is responsible for continuing projects.

State officials believe, however, that they should not intervene in local decisionmaking to insure project continuation. They believed that decisions to continue projects should come as a natural outgrowth from projects that were well thought out and that have made plans for continuation funding. Therefore, most assistance to applicants is provided during the planning stages to insure that the project is needed and is well planned and that adequate provisions have been made for administrative and fiscal control and for evaluation. Assistance may also be given if requested or as needed as evidenced by quarterly progress reports and onsite inspections.

Nevertheless, improvements can be made. Of the 9 projects that had stopped or significantly reduced operations and merited continuation, the lack of State or local funds was the primary reason in 5 cases. The State administrator acknowledged that one reason for this may have been that applications often did not include the assumption of cost information required in the grant application instructions. Obviously, the State must enforce its requirements to obtain full benefit from them.

One project was awarded two grants totaling about $40,000 in LEAA funds to provide for regional police training by hiring a training coordinator. Both project and State personnel said the project merited continuation. However, it stopped after the LEAA grants ended because, according to a project representative, none of the police departments benefiting from the project were willing to assume or prorate the cost because of a lack of funds. The project's application did not have an assumption of cost plan. Had the State enforced its requirements that the application contain such a plan, the project may have continued because the police departments would at least have been aware early in the project's life that they would have been expected to fund the project once LEAA funding stopped.

Michigan officials were planning a program to incorporate factors affecting continuation into one system to assume better project continuation. The following changes should increase the chances of worthwhile projects continuing if Michigan adequtely enforces them.

--Project funding periods would be specifically defined for various categories of projects. Most long-term projects would have 3-year funding periods. Second- and third-year grant applications would require less detail and would be approved if the project was progressing satisfactorily. Although projects were previously eligible for 2 and sometimes 3 years of funding, the decision to fund a project was more arbitrary and uncertain. The new system would provide a better basis on which to prepare plans for assuming costs.

--Third-year funding would be conditional on applicants agreeing to (1) provide 50 percent or more of the project's costs (only 10 percent is required during the first 2 years) and (2) assume all project costs during the fourth year. The assumption of cost provision would be included as a special condition to the third-year contract.

--Project evaluations would be completed before third-year funding decisions so they could be used as decisionmaking tools. Under the present system, evaluation reports are not due until after the grant period expires.

Ohio

Forty long-term projects were terminated from LEAA funding. Twenty-two, awarded $1,068,000 in LEAA funds, stopped or significantly reduced operations. According to State and project officials, 15 (68 percent) merited continuation. The lack of State or local funds was the most frequent reason given why projects had stopped or reduced operations and indicates that there may not have been adequate planning to determine how worthwhile projects might continue when LEAA funding stopped.

To meet the act's requirement for assuming costs, Ohio adopted the following funding policy.

> "* * * no action project will be granted funds for a period longer than necessary to establish it and demonstrate its usefulness, and then not more than three years of full funding plus a fourth year at two-thirds and a fifth year at one-third of the third year."

However, the Ohio grant application does not require an assumption of cost plan. As a result most of the applications do not contain a detailed cost assumption plan specifying how, when, and by whom project costs might be assumed. If the application contained such factors, more worthwhile projects might continue once LEAA funding stops.

The State criminal justice planning agency administrator said the main factor which influences project success is keeping the project director on the job. He said the State agency has no responsibility for continuing projects indefinitely because it provides funding for only 5 years at the most. Also the staff is not large enough to manage a continuation effort. Applicants are told that LEAA provides short-term, or seed, money. Therefore, according to the administrator, if project directors cannot convince local governments to assume the cost of the project in 5 years, perhaps the project should stop.

Even though Ohio policy provides up to 5 years of funding, adequate and orderly cost assumption planning is not always the case. The State, for example, may change

priorities and not have adequate money to continue previously funded projects. This can affect projects for which longer periods of support were planned.

Seven apparently worthwhile projects were denied second- or third-year funding, and the projects subsequently stopped or significantly reduced operations. One project, for example, provided legal advice to police departments and received about $77,500 in LEAA funds over 2 years. According to the project director, the State agency denied the project's application for third-year funding because of the lack of LEAA funds. He said he expected the project to be funded since it was operating effectively and had good support from local police departments. He said there was not sufficient time after being advised that LEAA funds would not be available to have the local levels allocate adequate funds to the project for the next year. Therefore, project operations were reduced to about 5 percent of the LEAA-funded level.

The State does not require subgrantees to increase their shares of project costs. After providing full funding for 3 years, the State administrator said he had no authority to force subgrantees to increase their share in the fourth year, but encouraged them to do so. The subgrantee has the option of reducing the project in the fourth year and phasing out the project in the fifth year. This policy does not ease the transition from Federal to local funding, nor does it help insure that projects continue. The State administrator said no technical assistance is provided to applicants to increase the chances of worthwhile projects continuing. Assistance given is related to fiscal and administrative requirements necessary to apply for and operate under an LEAA grant.

The lack of adequate evaluations may also have affected the ability of projects to continue. The State administrator said evaluations were inadequate to help make funding decisions. Recognizing that evaluations were inadequate, in September 1972 the State received, under an LEAA contract with a management consulting firm, an evaluation "instrument" for each type of project funded. The evaluation instruments, or standards, are a list of quantified objectives which are determined before the project starts and are used to analyze the project's progress. These standards will be used to evaluate a project and to help make decisions to continue LEAA funding. Before receiving the standards, the State administrator said the State had no way to develop objective project data to help make funding decisions.

Oregon

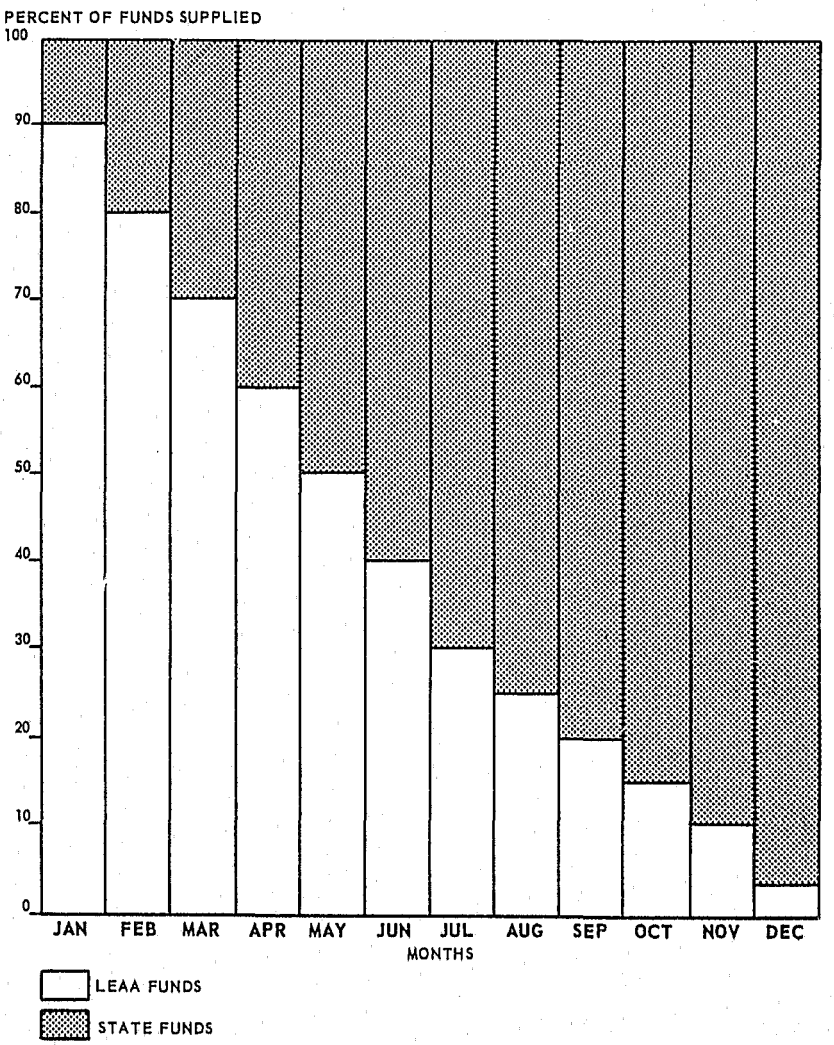
LEAA is no longer funding 28 long-term projects, 8 of which stopped or significantly reduced operations. These projects had received LEAA grants totaling $415,000 and were 29 percent of the long-term projects on which LEAA funding ended.

In April 1971 Oregon established a requirement that all new subgrantees describe plans to assume project costs after a reasonable period of LEAA funding. According to the State criminal justice planning agency administrator, the emphasis given by his law enforcement planners to helping projects continue and the implementation of specific continuation policies allowed more worthwhile projects to continue that might have had the emphasis not been given. In addition, the State had hired a full-time evaluation and technical assistance specialist.

Oregon did not have a formal assumption of cost policy before April 1973. Each project was reviewed individually using a general test of reasonableness to determine funding periods. Recognizing the need for an assumption of cost policy, in April 1973 Oregon developed the policy that projects would be funded for no longer than 4 years and local matching requirements for the 4 years would be 25, 25, 33-1/3, and 50 percent, respectively.

As a result of the change in the matching requirements in the Crime Control Act of 1973 (see p. 6), Oregon has changed its local matching requirements for the 4 years to 10, 20, 33-1/3, and 50 percent, respectively.

The way Oregon implemented assumption of cost planning is illustrated by the continuation of group homes for juveniles. Eight of Oregon's 20 projects that continued were group homes. These projects continued operating generally because of advance planning. LEAA money was to be used only to help start them. The State criminal justice planning agency and the State jointly established a 1-year declining funding plan for the projects. The following chart shows the proration of funds during the first year. After the first year, the State pays all operational expenses.


PERCENT OF FUNDS SUPPLIED
100
90
80
70
60
50
40
30
20
10
0
JAN
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DEC
MONTHS
LEAA FUNDS
STATE FUNDS

Nevertheless, Oregon did have problems in adequately carrying out its cost assumption plans. According to State and project officials, six of the eight (75 percent) projects that stopped or significantly reduced operations should have been continued. In our opinion, none of the six projects had adequate cost assumption plans. Applications generally did not describe (1) the criteria for judging project success, (2) when and by whom the funding would be assumed, and (3) the level of funding required to continue the project. Only one application listed criteria to determine if the project should be continued, and none showed the level and timing of future funding although five applications did show potential sources of funding. The State staff, therefore, has to closely monitor project operations so cost assumption plans will be adequately implemented.

Washington

Forty-four long-term projects were terminated from LEAA funding. Twenty-five projects, awarded $2,310,000 in LEAA funds, stopped or significantly reduced operations. According to State and project officials, 15 projects (60 percent) merited continuation.

One reason why Washington could not continue more worthwhile projects was that cost assumption planning in grant applications was generally inadequate. Applicants were required to (1) indicate what resources would be available for continued funding of the project or implementation of its results at the conclusion of the project period and (2) identify how long LEAA funds would be necessary to continue the project. However, in implementing the requirements, applicants generally were not adequately planning for assuming costs, as indicated by examples of statements by applicants regarding the cost assumption provision.

--"An alternate method of financing will be found for the continuation of the program."

--"Continuation of financing for the project will be reviewed prior to the end of project year two."

--"The project was undertaken to program service for troubled youths as funded by [two sponsors]. Given the current trend toward budget reductions it is unlikely that continued financing for the project will be available through these two sources. Therefore, other avenues for continued funding are being explored."

Of the 25 projects that stopped or significantly reduced operation, 10 did so primarily because adequate funds could not be raised from other sources.

The State's first policy statement on funding long-term projects after LEAA funding ceases was adopted in 1971 and established a 3-year funding period and the use of increased matching funds. No matching fund percentages were required except that a greater percentage of local funding was required in each of the 3 years. The State would have obtained greater assurance that projects would continue if its policy would have required specific cost assumption plans. The State criminal justice planning agency administrator believed project continuation should improve as regional planning districts become more established because their influence over funding will increase and make it easier to obtain local support for worthwhile projects. According to the State administrator, technical assistance provided projects by regional planners should also help projects continue.

Inadequate evaluations were given as the reason why two projects significantly reduced operations. Although the State requires applications to indicate what arrangements will be made to evaluate project results by showing methods to be used and who will undertake the evaluation, it does not require that criteria be developed by which to judge project success.

CHAPTER 4

NATIONAL PERSPECTIVE

Data provided by 39 States and the District of Columbia indicated that, as with the 6 States reviewed, the extent to which long-term projects continued varied considerably among most States. (See app. III.)

PROJECT CONTINUATION

Of the 1,518 long-term projects started in the 39 States and the District that no longer receive LEAA funds, 432 either stopped or reduced operations. These 432 projects received about $30 million in LEAA funds. However, the data provided by the States and the District was not specific enough to determine whether (1) projects had significantly reduced operations or (2) those projects whose operations were stopped or reduced merited continuation.

The lack of adequate data in ongoing information systems on the number of projects which continued once LEAA funding stopped also caused some of the information received to be questionable. For example, one State reported that it only had 5 long-term projects no longer being funded by LEAA, whereas followup with the State revealed 40 long-term projects had stopped or reduced operations.

State responses to our questionnaire also showed that some (1) short-term or equipment and training projects were classified as long term and (2) projects which were still being funded by LEAA were listed as projects no longer funded by LEAA.

POLICY VARIATIONS

State responses to the questionnaire provide a national indication of the variations in continuation policies and show that many States have not adequately addressed the continuation issue.

Funding period

Most States have adopted or plan to adopt periods for which they would fund projects with LEAA money. Because of the absence of LEAA guidelines, periods have been established ranging from 1 to 8 years. Seven States have no policies. The following table shows the funding periods of all States.

	Number of States	Percent
Funding period in years:		
1	2	4
2	7	14
3	24	47
4	1	2
5	2	4
8	1	2
No policy or time limit	7	13
Variable (note a)	7	14
	51	100

[a]Ranged from 1 to 4 years.

Cost assumption data in State grant applications

Cost assumption information in States' applications used by subgrantees varied significantly.

--24 States did not require a plan showing how, when, and by whom project costs will be assumed.

--1 State required that only potential funding sources be identified.

--25 States and the District require grant applications to show various types of plans indicating how, when, and by whom project costs will be assumed.

In recognition that not all projects merit continuation, five States require that applicants quantify criteria which will be used to determine whether the projects warrant continuation.

Matching rates

Although the 1968 act specified that 25 percent of project funds be provided by State and local governments[1] and 75 percent by LEAA, 21 States have established progressive local matching rates exceeding 25 percent to help provide an incentive for local governments to increase the extent to which projects continue. Five States said they

[1]The State and local governments' shares could be either in cash or in-kind services.

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use progressive matching rates but have not set specific percentages. The other 24 States and the District have not established matching rate policies. As noted in the table below, 26 States had varying ranges of matching rates for different years of funding.

Number of States	Years of funding	Ranges of project matching rates by year				
		1	2	3	4	5
3	2	25	40 to 60			
12	3	25	25 to 50	33 to 75		
2	4	25	25	33	50	
4	3	(Greater percentage each year)				
5	1 to 3	(Indefinite amount each year)				
26						

The table does not reflect changes which may have occurred in State policies as a result of the Crime Control Act of 1973. This legislation reduced the minimum State and local matching rate from 25 to 10 percent and required that the State and local matching funds be in cash, rather than in-kind services or cash as previously permitted. These changes will undoubtedly influence the established matching rates but will not eliminate the differences among States.[1]

The use of increasing project matching rates provides greater assurance that worthwhile projects will continue after LEAA funding stops.

Technical assistance

Although the type of technical assistance provided subgrantees by States varied, most States provided very limited assistance. Six States and the District reported that no assistance is given to help projects continue; another 16 said assistance is provided only upon request; 27 said assistance is provided informally; and 1 said it had not experienced the continuation problem.

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[1]The way Oregon changed its matching rate is discussed on page 22.

Examples follow of the States' responses to our question concerning the extent to which they helped subgrantees to increase the chances of continuing worthwhile projects once LEAA funding stopped.

--None.

--Technical assistance from State planners in police, courts, and corrections.

--On request, will assist in budgeting, preparing proposals, and integrating project activities into grantee's operations.

--On request, technical assistance is offered for developing an evaluation design.

--Grantees know of our policy of 2 plus years of funding. They are, therefore, encouraged to obtain subsequent funding at the time the grant is initiated or they should not start it.

--If we feel the project is worthwhile, we work with the grantee in the legislature or in the appropriate county or local group. Occasionally, we can suggest a State or an alternative Federal program for which the project is eligible.

Neither LEAA nor the States have issued specific guidelines to help projects continue.

LEAA guidelines have been limited to such actions as pointing out to States the Federal requirements concerning the willingness of States and local governments to continue projects after Federal assistance ends.

Some States have employed various techniques to better insure that projects continue, such as increasing matching rates and cost assumption planning in grant applications; other States have not addressed the need to insure continuation of worthwhile projects. The differences between States indicate a need for national direction.

CHAPTER 5

OPPORTUNITY TO INCREASE CONTINUATION OF LONG-TERM PROJECTS

LEAA and State policies need to be developed and coordinated to better insure that worthwhile projects continue. As explained in chapter 2, the lack of adequate LEAA and State continuation policies resulted in many worthwhile projects stopping or reducing operations after LEAA funding was terminated.

However, in the 6 States visited, only about 440 projects, or 13 percent, of the 3,473 terminated projects were long term. The long-term projects no longer receiving LEAA funding will significantly increase due to increased emphasis by LEAA and the States to fund long-term rather than short-term projects and expiration of multiyear LEAA funding.

Fiscal year 1969 and 1970 LEAA funds were used primarily to purchase equipment and for other short-term projects. More emphasis was subsequently placed on funding long-term projects. For example, the following table shows the increased number of long-term projects funded in two States visited.

Long-Term Projects

FY	Ohio	California	Total
1969	6	16	22
1970	64	144	208
1971	130	226	356
1972	177	181	358

The primary reason why more long-term projects will stop receiving LEAA funds is the completion of projects which received several years of LEAA funding. Most States reported that they have established funding periods of 3 or more years during which projects can be supported with LEAA funds. Since fewer long-term projects were started with fiscal year 1969 and 1970 funds than in subsequent years, most long-term projects continued to receive LEAA funding until at least fiscal year 1974.

As a result of the length of LEAA funding periods and increased emphasis on funding long-term projects, many States have not yet had to deal with problems of continuing many projects. For example, 15 States and the District reported that fewer than 20 long-term projects had been

terminated from LEAA funding, generally as of late 1973. The following State reports illustrate the increase in long-term projects that will be terminated from LEAA funding.

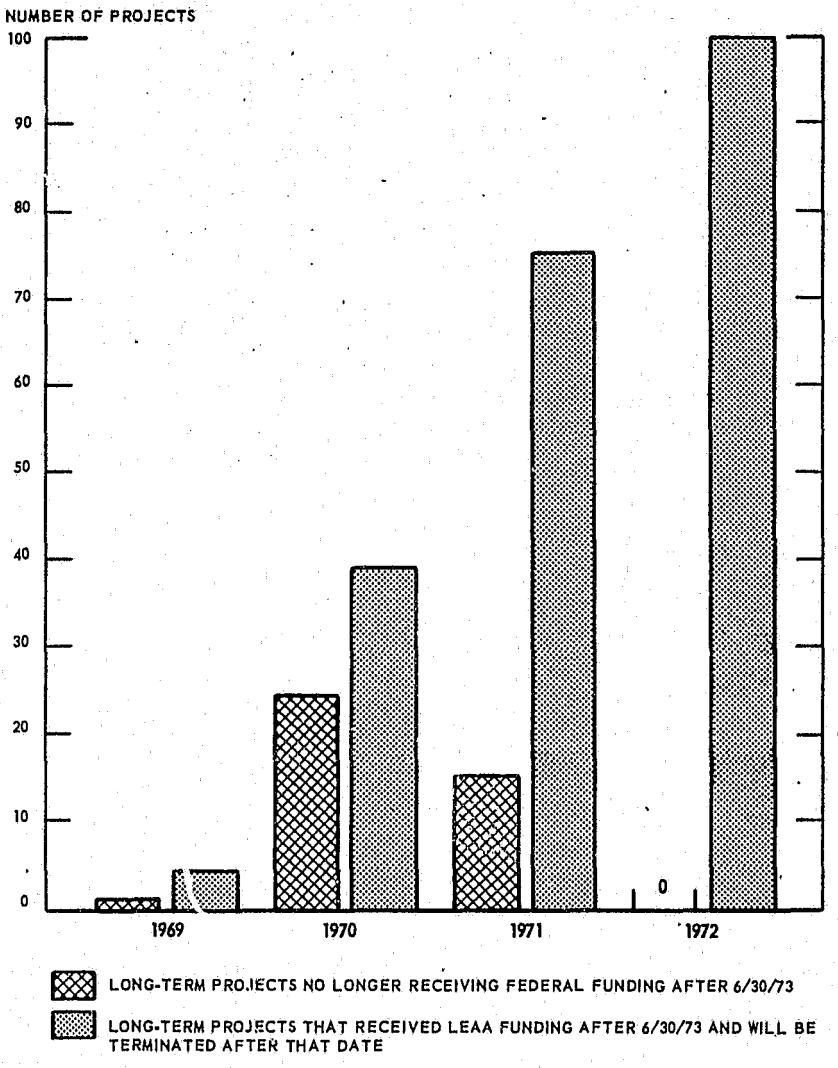
--Mississippi anticipates several terminations within calendar year 1974, possibly from 80 to 120 major grants. Only three long-term projects had been terminated from LEAA funding as of March 31, 1973.

--Connecticut has not been faced with terminating very many projects as most projects were in their second and third years of funding. During the coming year the State will have to decide whether to terminate programs according to its 3-year guideline.

--In South Carolina no long-term projects were started during the first few years of the LEAA program, and all the long-term projects subsequently started were still being funded with LEAA funds.

The following chart on Ohio's projects illustrates the large increase in long-term projects that have been funded and subsequently will be terminated from LEAA funding.

LONG-TERM PROJECT STARTS BY FUND YEAR IN OHIO



As a result of this trend in most States, it becomes essential that LEAA and the States develop better guidelines and policies to lessen the problem of having many worthwhile projects stop or significantly reduce operations.

CHAPTER 6

CONCLUSIONS, RECOMMENDATIONS, AND AGENCY COMMENTS

CONCLUSIONS

LEAA funds provided to States can have a significant impact since LEAA is the primary source of funds for innovations and improvements in the criminal justice system. To date, however, the long-term impact has not been as great as possible because State and local governments have not continued all worthwhile projects after LEAA funding ended.

Lack of LEAA guidance to States encouraging continuation of worthwhile projects and resulting differences in States' policies has contributed to the varying degrees of success States have had in continuing projects. Significant differences exist in project funding periods, plans for assuming cost, matching rates, project evaluations, and technical assistance. These factors can affect the degree to which projects continue. Further neither LEAA nor the States had management information systems that showed the extent to which projects were being continued after LEAA funding stopped.

LEAA should require the States to develop and implement policies and procedures designed to increase the chances of projects continuing. Such policies and procedures are especially important in view of the large number of long-term projects for which LEAA funding will stop in the next few years.

The issue of how to institutionalize improvements begun with LEAA funds is important in light of congressional intent that LEAA funds act as a catalyst to allow the States to make lasting improvements. The previous chapters have shown that neither LEAA's guidelines nor the States' actions have been sufficient to insure that LEAA funds have had the maximum impact possible.

Both LEAA and the States must provide better assurance that worthwhile long-term projects continue once LEAA funding stops. As a first step, LEAA and the States need to develop better information on what happens to projects once LEAA funding stops. LEAA should develop more specific guidelines that States must follow.

But in the long run, the real burden rests with the States and localities. Reducing or preventing crime and improving the criminal justice system is primarily a State and local responsibility. If they are not willing to commit

the resources to continue worthwhile efforts, there is little the Federal Government can do. By aggressively implementing cost assumption planning, the States can show that they are committed to the idea of trying to use LEAA funds as a starting point for making lasting improvements to their criminal justice systems.

RECOMMENDATIONS TO THE ATTORNEY GENERAL

To develop the information needed to assess the long-term impact of the LEAA program, determine potential weaknesses, and better insure that projects are continued, we recommend that the Attorney General direct LEAA to:

--Require that LEAA and State information systems be improved to provide for developing information on the extent to which projects continue.

--Establish requirements for reporting in State law enforcement plans and in the LEAA Annual Report on the continuation of long-term projects after LEAA funding stops.

--Require that LEAA develop a coordinated continuation policy to be implemented by each State, which addresses:

1. Defining how long LEAA funds should be used to support each type of project.

2. Developing funding methods which ease the transition to full State and/or local funding, such as progressive matching rates.

3. Defining standard grant application provisions which detail how, when, by whom, and under what conditions project costs will be assumed.

4. Defining the types of technical assistance to be offered in planning for future continuation of projects.

AGENCY COMMENTS AND ACTIONS

The Department of Justice advised us by letter dated November 13, 1974, of its comments on the report and how it intends to improve the long-term impact of the LEAA grant program.

The Department agreed with our recommendations that LEAA and the States develop better information on the extent to which projects continue and report such data in LEAA's

Annual Report and stated that it would explore ways to obtain and report it.

The Department did not agree to completely implement our recommendation that LEAA modify its current project continuation guidelines to develop a more coordinated continuation policy to be implemented by each State. It stated that the issues of defining how long LEAA funds should be used, of developing methods of transition to full local funding, and of defining standard grant application provisions and the nature of technical assistance to be provided are far reaching and will be given further study by LEAA.

We agree with LEAA that such changes could be far reaching and therefore do not object to further study. But the danger is that the issue will be studied indefinitely and no conclusion will be reached. Therefore we believe it would be desirable if LEAA completed its study of these matters before submitting its fiscal year 1976 budget request to the Congress and reported to the Congress on what it believes should be done as a result of our findings and recommendations.

The Department stated that LEAA would consider setting parameters in terms of guidelines to be followed that were consistent with its legislation, which the Department stated does not appear to warrant LEAA dictating a rigid policy. We agree that such guidelines should provide general parameters and allow the States specific flexibility.

The Department also believed that LEAA's December 10, 1973, continuation guidelines were adequate. It cited certain sections of the December 1973 guidelines that it believed adequately addressed the issue. We noted on pages 8 and 9 of this report that these guidelines were a step in the right direction. However, we believe they need to be more specific to insure that the cost assumption issue is addressed adequately.

The Administrator of the Oregon State criminal justice planning agency believed the key to continual funding of worthwhile projects is institutionalization. He noted that

> "In the broadest sense, this included not only the simple act of increased local funding, but also the qualities of affirmative acceptance by sponsor agencies, clientele, public, and other criminal justice agencies. All of these would result in a genuinely 'built-in' character of the subject activities within the governmental structure, as distinguished from possibly grudging adoption.

Incorporation of the concept of institutionalization into policy and guidelines would be a constructive move."

We believe the best way to incorporate the concept of institutionalization into policy and guidelines is for LEAA to make its December 1973 guidelines specific.

Generally the States reviewed agreed that there was a need to more fully consider ways to insure that worthwhile projects continue once LEAA funding stops and to obtain better information on what happens to projects when LEAA funding stops. Moreover, several noted that they were taking action to improve the ability of projects to secure fundings once LEAA funding ceased. For example, California stated that future grant applications will include "the detail of how, when, and by whom costs are expected to be assumed." Additionally, California will instruct its project liaison staff to make cost assumption efforts a priority item when providing technical assistance and making monitoring visits to projects. Ohio has included in its directives a statement reemphasizing to subgrantees their responsibilities for assuring continued funding.

APPENDIX I

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

NOV 13 1974

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter responds to your request for comments on the draft report titled, "Need to Improve the Long-Term Impact of the LEAA Grant Program" (B-171019).

While we are in general agreement with the report and its recommendations, we believe that some statements made in various sections of the report confuse the issues involved, and the statistics presented tend to be somewhat nonsupportive of GAO's position. For example, the statement made on page 16 of the report indicates that many apparently worthwhile long-term projects were discontinued or had their operations significantly reduced after LEAA funding ended. However, on page 18, the report states that as of June 30, 1973, only a small percentage of projects no longer receiving LEAA funds were for long-term purposes. Also, the report notes on page 19 that 338 of 440 long-term projects in six States were in fact continued with local funding after LEAA funding ended as of July 1, 1973. The facts in these statements are not consistent and tend to confuse the reader. With regard to the statistics cited on pages 16 and 20 of the report, a total of 39,457 block grants are shown as awarded with eventual identification of only 95 long-term projects that were discontinued because LEAA funding ended. These statistics tend to leave the reader with the impression that the problem is relatively insignificant.

GAO note: Page references in this letter refer to the draft report.

APPENDIX I

GAO also recognizes that not all long-term grants should continue to receive funding. It is possible that some of the 95 grants characterized by State and local project officials as having "merit but not continued" might have been found "terminated for good reason" had these grants received full-fledged evaluations.

In general, we agree that there is a need to improve LEAA's evaluation capability to assess project effectiveness and efficiency, especially in relation to other services or programs already in operation. LEAA is placing strong emphasis on improving evaluation criteria as a means of providing local officials with more complete and objective data on which to base the decision of whether to continue or discontinue funding.

We also agree with the recommendation that LEAA and State Information Systems should be improved to provide better data concerning not only project continuation but also general outcome. Both the national and State Grant Management Information Systems are moving in this direction and continuous reviews will be made to determine whether additional modifications are required. LEAA will be collecting comprehensive information to determine historic program priority trends among State and local governments. With this information, LEAA will be able to identify those States willing to commit their own funds for projects initially supported with LEAA funds. We consider this information essential, therefore, GAO's recommendation is a sound one.

The report also recommends that "the extent to which projects continue be reported in State law enforcement plans and the LEAA Annual Report." LEAA will examine possible methods of obtaining this information. One possible solution would be to require States to attach a "past progress" document to their comprehensive plans. This document would provide details of previously funded and continuing projects. We believe information developed in some form, showing the extent to which projects continue, would serve a useful purpose.

The final recommendation suggests that "LEAA develop a coordinated continuation policy to be implemented by each State, which addresses:

--Defining how long LEAA funds should be used to support each type of project;

--Developing funding methods which ease the transition to full State and/or local funding, such as through the use of progressive matching rates;

--Defining standard grant application provisions which detail how, when, by whom, and under what conditions project costs will be assumed; and

--Defining the types of technical assistance that must be offered to all projects."

The issues involved in this recommendation are far reaching and will require further study by LEAA. Our preliminary views on the four points included in the recommendation are noted below.

The first and second recommendations suggest defining how long LEAA funds should be used to support each type of project and developing funding methods which ease the transition to full State or local funding. LEAA legislation does not appear to warrant the agency dictating a rigid policy in this area. On the other hand, development of a coordinated LEAA/State continuation policy is important and, where feasible, LEAA will consider establishing guidelines in terms of parameters to be followed.

The third point recommends defining standard grant application provisions which detail how, when, by whom, and under what conditions project costs will be assumed. This recommendation is based on GAO's conclusion that "The varying degrees of success the States had in continuing worthwhile projects after LEAA funding stopped were attributal to a lack of adequate LEAA guidelines and the resulting differences in State policies that developed." We do not agree with the conclusion and believe that the LEAA guidelines issued in December 1973 are adequate, but will require stringent enforcement. LEAA published a Guideline Manual titled, "State Planning Agency Grants," M4100.1B, on December 10, 1973. We believe the manual contains an adequate policy statement on the State assumption of cost in Chapter 1, paragraph 19, "(Comprehensive Law Enforcement) Plan Implementation." In addition, Chapter 3, Comprehensive Law Enforcement Plan Outline, contains a major section entitled, "The Multi-Year Plan". This section describes multiyear budgeting procedures, includes subsections providing for State/local matching contributions, and acknowledges the need for flexibility in preparing budget estimates and updates. Because circumstances and conditions differ among the States, LEAA has intentionally permitted continuation policies, budgeting practices, program priorities, and administrative procedures to differ among the States. However, minimum requirements exist for all States.

APPENDIX I

LEAA recognizes that some State Planning Agencies (SPA) need more help in writing their plans and that more systematic data collection is required to evaluate long-term grant efforts. However, we believe rigid "guidelines" designed to eradicate variations among States are inappropriate.

With respect to the last point, LEAA recognizes the need for more effective technical assistance from both the SPA and LEAA. The Office of National Priority Programs was established within LEAA to carry out national priority initiatives which will promote the reduction and prevention of crime and delinquency through long-term fundamental changes in local institutions. The basic strategy of the approach is to have LEAA function as a catalyst to promote effective community action on community problems. This strategy is being implemented by having skilled professionals, working in teams and backed by discretionary funds, actively participate with a community group to diagnose problems and opportunities, select appropriate responses, and implement approved reforms leading to permanent changes. When finished, the team of skilled professionals will leave behind not only specific improvements and practical plans tailored to local needs and perceptions, but also a cadre of local personnel trained to continue the evaluation and implementation process. Thus, LEAA is actively promoting the national objective of fostering good useful projects by providing professional expertise and initial funding in a process which will culminate in an orderly progression to local operation, local control, and local support.

To be more responsive to technical assistance needs, LEAA's Office of Regional Operations and its regional offices are increasing their technical expertise, both in-house and through contracts, in the various areas of the criminal justice system. We will also give additional consideration to finding ways for improving the technical assistance provided by SPA's. Possibly, as suggested by GAO, a set of minimum guidelines would be helpful.

APPENDIX I

We appreciate the opportunity to comment on this draft report. Please feel free to contact us if you have any questions.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

LONG-TERM PROJECTS THAT STOPPED

OR SIGNIFICANTLY REDUCED OPERATIONS

IN SIX STATES VISITED

Primary reason for stopping or reducing operations	Total projects	Projects that should have continued		Alabama (note c)			California		
				Total projects	Merited continuation		Total projects	Merited continuation	
		Number	Percent	Number	Number	Percent	Number	Number	Percent
Ineffective	13	-	-	-	-	-	5	-	-
Not needed	11	-	-	1	-	-	2	-	-
Inadequate evaluation	13	5	38	-	-	-	6	2	33
Lack of State or local funds (note a)	72	58	81	18	18	100	25	16	64
Poor administration	19	7	37	2	2	100	6	1	17
Other (note b)	31	25	81	4	4	100	12	7	58
Total	159	95	60	25	24	96	56	26	46

[a]Primarily due to inadequate cost assumption planning regarding such things as securing a firm commitment from potential funding sponsors and developing adequate increasing local matching rates.

[b]Includes such things as lack of qualified persons to hire and change in regional priorities.

[c]See pp. 14 and 15 for explanation of why so many projects in Alabama merited continuation.

Michigan			Ohio			Oregon			Washington		
Total projects	Merited continuation		Total projects	Merited continuation		Total projects	Merited continuation		Total projects	Merited continuation	
Number	Number	Percent	Number	Number	Percent	Number	Number	Percent	Number	Number	Percent
6	-	-	-	-	-	-	-	-	2	-	-
1	-	-	3	-	-	-	-	-	4	-	-
1	-	-	1	-	-	3	1	33	2	2	100
6	5	83	8	6	75	5	5	100	10	8	80
4	-	-	4	3	75	-	-	-	3	1	33
5	4	80	6	6	100	-	-	-	4	4	100
23	9	39	22	15	68	8	6	75	25	15	60

APPENDIX III

TOTAL PROJECTS TERMINATED AND STATUS

OF LONG-TERM PROJECTS NO LONGER FUNDED BY LEAA

IN 39 STATES AND DISTRICT OF COLUMBIA

State	Total projects terminated	Long-term projects: No longer getting LEAA funds		Long-term projects: Not operating		Long-term projects: Reduced		Percent reduced or not operating	
		Number	Amount	Number	Amount	Number	Amount	Number	Amount
Alabama	1,310	163	$ 2,593,556	19	$ 280,456	6	$ 216,526	15	19
Alaska	154	12	387,663	2	15,450	-	-	17	4
Arizona	425	20	284,736	1	8,793	1	43,768	10	18
Arkansas	679	88	978,073	8	54,352	(a)	(a)	9	6
California	450	101	15,385,920	33	3,673,225	23	2,813,437	55	48
Colorado	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Connecticut	575	21	627,553	6	139,463	(a)	(a)	29	22
Delaware	63	-	149,359	2	83,734	(a)	(a)	50	56
Florida	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Georgia	1,479	11	788,441	9	32,296	2	8,287	10	5
Hawaii	129	-	140,787	2	32,429	1	7,300	25	28
Idaho	753	9	104,332	2	6,564	-	-	22	6
Illinois	769	167	26,992,265	70	8,700,485	4	152,659	40	33
Indiana	1,397	75	1,754,427	20	405,835	12	352,732	43	43
Iowa	546	37	2,089,771	2	154,890	7	516,271	24	32
Kansas	602	37	1,201,127	11	449,160	1	19,851	32	39
Kentucky	228	20	922,623	10	309,976	1	103,838	55	45
Louisiana	1,867	9	1,397,568	-	-	1	43,432	11	3
Maine	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Maryland	616	23	2,290,956	4	575,512	(a)	(a)	17	25
Massachusetts	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Michigan	265	64	4,481,277	19	842,251	4	235,456	36	24
Minnesota	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Mississippi	804	3	110,318	-	-	-	-	-	-
Missouri	690	47	1,413,708	6	85,882	(a)	(a)	13	6
Montana	1,010	24	581,842	5	92,947	1	7,606	25	17
Nebraska	640	33	875,056	1	2,572	3	44,395	12	5
Nevada	343	24	370,763	8	65,302	1	9,000	38	20
New Hampshire	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
New Jersey	284	10	255,269	3	39,127	(a)	(a)	30	15
New Mexico	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
New York	225	65	12,951,740	23	3,113,357	1	11,550	37	24
North Carolina	258	54	1,033,946	4	185,394	(a)	(a)	7	18
North Dakota	450	17	572,864	5	122,147	(a)	(a)	29	21
Ohio	1,068	40	2,066,293	13	681,032	9	386,645	55	52
Oklahoma	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Oregon	112	28	1,644,352	5	403,214	3	11,545	29	25
Pennsylvania	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
Rhode Island	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)	(b)
South Carolina	1,980	(c)	(c)	(c)	(c)	(c)	(c)	(d)	(d)
South Dakota	(b)	(b)	(b)	(b)	(b)	(b)			
Tennessee	1,234	8	309,579	-	-	3	223,480	38	72
Texas	399	28	2,232,733	1	1,140	-	(a)	4	-
Utah	331	9	378,456	1	128,226	-	(a)	11	34
Vermont	133	3	36,575	-	-	-	(a)	-	-
Virginia	1,067	2	133,244	-	-	-	(a)	-	-
Washington	268	44	3,218,356	13	710,532	12	1,599,626	57	72
West Virginia	526	4	559,383	3	136,261	-	(a)	75	24
Wisconsin	905	57	1,823,919	10	247,449	3	292,273	23	30
Wyoming	542	9	158,997	7	102,315	-	(a)	78	64
District of Columbia	125	15	2,369,578	5	589,706	-	(a)	33	25
Total	25,701	1,518	$93,667,405	333	$22,471,474	99	$7,099,677		

Total projects not operating or reduced 432

Total amount of projects not operating or reduced $29,571,151

[a]Unknown.

[b]Supplied no data.

[c]Reported no long-term projects.

[d]Not applicable.

APPENDIX IV

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTORNEY GENERAL:		
William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Richard W. Velde	Sept. 1974	Present
Donald E. Santarelli	Apr. 1973	Aug. 1974
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

APPENDIX B-5

THE PILOT CITIES PROGRAM; PHASEOUT NEEDED DUE TO LIMITED NATIONAL BENEFITS, FEBRUARY 3, 1975

REPORT TO THE CONGRESS

The Pilot Cities Program: Phaseout Needed Due To Limited National Benefits

Law Enforcement Assistance Administration
Department of Justice

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-16

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-171019

To the President of the Senate and the
Speaker of the House of Representatives

This is our report on the Law Enforcement Assistance Administration's management of its Pilot Cities Program.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

We are sending copies of this report to the Director, Office of Management and Budget; the Attorney General; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO	General Accounting Office
LEAA	Law Enforcement Assistance Administration

COMPTROLLER GENERAL'S REPORT TO THE CONGRESS

THE PILOT CITIES PROGRAM: PHASEOUT NEEDED DUE TO LIMITED NATIONAL BENEFITS

Law Enforcement Assistance Administration
Department of Justice

D I G E S T

WHY THE REVIEW WAS MADE

GAO wanted to determine whether the Law Enforcement Assistance Administration adequately planned and managed its Pilot Cities Program to demonstrate that improved research could bring about better planning of city and county programs to reduce crime.

The Pilot Cities Program was begun in 1970 with a projected cost of $30 million. It was one of the agency's first major attempts to bring about improvements through direct financing.

Albuquerque, New Mexico; Charlotte, North Carolina; Dayton, Ohio; Des Moines, Iowa; Norfolk, Virginia; Omaha, Nebraska; Rochester, New York; and Santa Clara County, California, were chosen as test locations of how to use new, innovative ideas to fight crime, *which could later be applied nationally*. The program was to operate for 5 years.

FINDINGS AND CONCLUSIONS

Individually, the eight cities benefited from the Pilot Cities Program. They received Law Enforcement Assistance Administration funds for projects they probably could not have otherwise undertaken. They received the benefit of research and technical assistance that could not have otherwise been obtained. But, *from a national standpoint*, the overall program did not accomplish its goals, for reasons explained below.

The basic approach was to have pilot city teams research their communities' problems in reducing crime and develop projects and technical assistance to solve the problems.

Three of the five teams GAO reviewed in detail--Albuquerque, Dayton, and Omaha--could not develop their efforts as planned. Generally, they had difficulties maintaining a viable pilot city effort.

Two other teams--Norfolk and Santa Clara--maintained relatively stable operations by developing appropriate community support, researching problems, and starting new projects.

The Charlotte team withdrew from the program in April 1974 because of a lack of adequate direction from the Law Enforcement Assistance Administration and because the team did not anticipate sustained local interest in planning communitywide activities to solve criminal justice problems.

The Des Moines team apparently experienced startup problems and did not accomplish sufficient research and project development during its

first 20 months of operation to achieve useful results.

The Rochester team has apparently made progress.

Overall, therefore, three of the eight teams may have progressed satisfactorily. But the cumulative experience of the eight teams is already sufficient for the Law Enforcement Assistance Administration to draw useful conclusions about how to promote changes at local levels--one of the program's basic objectives.

Essentially, the problems of the program were that:

--Consistent objectives were not agreed upon.

--Teams interpreted the program differently.

--Participating organizations experienced instability.

--Guidelines were too broad as to what was to be accomplished and how.

--Regional offices of the Law Enforcement Assistance Administration used different management methods.

In programs of limited duration designed to serve as examples of how the Nation should try to solve problems, these factors can have an adverse effect. This was the case with the Pilot Cities Program.

The Law Enforcement Assistance Administration should continue to directly finance large efforts of national significance. But it is important that such programs have clearly defined objectives agreed to by all participants and that monitoring and evaluation procedures be adequately developed by the supporting Federal agency before the project begins. This was not the case with the Pilot Cities Program.

Inadequate program development

The Law Enforcement Assistance Administration used a proposal for improving the criminal justice process in one locality as the basis for developing the national Pilot Cities Program.

The first grant--to Santa Clara County--was broadly worded so its team could emphasize (1) improving the process of criminal justice research and planning and (2) developing specific projects. The lack of emphasis on any one goal (such as research or project implementation) over others was not detrimental in Santa Clara County because the team and local officials understood what they wanted to do as a result of more than a year's negotiations with the Law Enforcement Assistance Administration before the grant was approved.

At the direction of the Law Enforcement Assistance Administration, subsequent pilot city teams used the Santa Clara grant as the model for their proposals. But these teams did not have the benefit of Santa Clara's experience. They did not receive appropriate guidance from the Law Enforcement Assistance Administration to clarify the program's priorities. Each team interpreted the program's objectives and emphasis differently. The result was not a coordinated national pilot city

effort, but eight individual programs.

The Law Enforcement Assistance Administration published program guidelines in January 1973, 2-1/2 years after the program began. Encompassing all activities of the operating pilot cities, these guidelines were too broad to provide direction to the teams and had little impact on the program. (See ch. 2.)

Financial pressures

Each pilot city team was to be provided $500,000 per fiscal year during its 5-year life for demonstration projects. Any unused portion at the end of the year was generally not available for future use. Therefore, the Law Enforcement Assistance Administration applied pressure to spend the money by developing projects too quickly, which prevented orderly development of the teams' efforts.

This pressure had serious consequences for the Albuquerque and Dayton teams. (See pp. 15 to 19.)

Regional guidance

Regional offices of the Law Enforcement Assistance Administration often provided inconsistent guidance to the pilot city teams --primarily because the headquarters staff had not adequately specified program objectives.

The Dallas regional office greatly limited the Albuquerque team's ability to perform effectively in December 1972 and most of 1973. The team submitted no new demonstration projects during that time and could find no replacements for three professional staff members who quit.

The Chicago regional office requested Dayton's team to submit proposals for new demonstration projects. The team director attempted to complete research before submitting proposals. Because he and the Chicago office could not agree, he was requested to step down. Between December 1972 and October 1973, the Dayton team had no permanent director. Subsequently, Dayton proposed five projects to reduce specific crimes. Only one was based on adequate research.

Confusion between the Omaha team and the regional office in Kansas City concerning program development resulted in an almost complete turnover of the Omaha staff as of June 30, 1973. As noted above, the Charlotte team withdrew from the program because of such management practices. (See pp. 20 to 30.)

Research and projects

All pilot city teams were expected to develop baseline data on the various aspects of their criminal justice systems. But the Law Enforcement Assistance Administration did not specify types of data to be collected, establish common criteria to insure uniform reporting, or provide a basis for establishing a common reference for comparing teams' efforts.

Inconsistent interpretation of the terms "new" and "innovative" affected the type of demonstration projects undertaken. Generally, if projects were new to the localities, even though not unique nationally, they were implemented.

As of December 1973, 27 percent (about $2 million) of the program's demonstration funds had gone to

projects to implement or update information systems. Another 23 percent (about $1.7 million) went to provide new types of community treatment, such as youth service bureaus and alcohol detoxification centers. Many of these projects appear similar to others being supported by the Law Enforcement Assistance Administration in other of its activities.

Pilot cities funds were also used to provide burglar alarms, television security systems, a narcotic squad, a crime laboratory, and more nonwhite police officers. All such efforts benefit the localities. But such projects are not new or innovative and should not be supported directly with Law Enforcement Assistance Administration moneys that are supposed to be used for programs to solve problems of national significance. (See pp. 35 to 44.)

Technical assistance

All pilot city teams rendered technical assistance to their localities and, if judged by this criterion alone, could be considered partly successful. The question GAO asked was whether the experience of the eight teams was already sufficient to derive useful information about the processes the teams used and whether such information could be transferred to State and regional criminal justice planning units. GAO believes so. (See pp. 44 to 47.)

RECOMMENDATIONS OR SUGGESTIONS

GAO met with officials of the Law Enforcement Assistance Administration in June 1974 and suggested that steps be taken to phase out the program by June 30, 1975. (See pp. 53 to 55.) These officials agreed to act on the substance of GAO's suggestions. Consequently, GAO has no recommendations to make to the Attorney General.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Law Enforcement Assistance Administration began phasing out the program in July 1974 by reviewing the actions of each pilot city team and determining how and when each effort should be phased out and the extent to which worthwhile projects might be continued with other funds.

On the basis of the detailed comments GAO received on its report from some of the pilot city teams, it believes this is the correct approach for phasing out the program.

Many pilot city teams criticized GAO's suggestions and the Law Enforcement Assistance Administration's acceptance of them. They believed their efforts were worthwhile and that GAO took too narrow a view of the program by not sufficiently emphasizing the benefits that accrued to the eight localities.

From a local perspective, many of their comments are valid. From a national standpoint, an assessment of the need to continue the program had to be based on the cumulative experience of all teams and on a determination of whether that experience was worthy of continued, direct Federal support as part of a national test effort.

Some teams also stated that they had developed projects that were new and advanced and had national application. To date, however, no specific data is available to

determine whether the projects are new and innovative.

Data available to GAO indicated that, although some projects may have national applicability, the projects generally did not appear much different from other efforts funded with Law Enforcement Assistance Administration moneys. Nevertheless, the agency will apparently continue funding some worthwhile projects that might have national applicability or are consistent with the State's overall comprehensive plan for improving the criminal justice system.

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Law Enforcement Assistance Administration recognizes the need to better manage projects funded with moneys it controls directly so that such efforts will result in greater national benefits. This report contains no recommendations for action by the Congress.

However, because more thought has recently been given to testing certain new program approaches before considering national application, the lessons learned from managing the pilot city effort should assist the Congress in determining how to better insure that executive agencies adequately plan and operate other test efforts.

CHAPTER 1

INTRODUCTION

One objective of the Law Enforcement Assistance Administration (LEAA) of the Department of Justice is to foster new ways to improve the Nation's criminal justice systems through direct financing. One of LEAA's first major efforts --projected to cost about $30 million--was the Pilot Cities Program, which began in 1970.

LEAA selected eight locations to research, demonstrate, and integrate new and improved projects into their criminal justice systems to prevent or reduce crime and delinquency. Through the cooperative efforts of action-oriented teams of professionals experienced in criminal justice research and the host locations' criminal justice agencies, the program was to demonstrate that improved research on local criminal justice problems could result in better programs to reduce crime. The cities' efforts were to serve as examples to the Nation of how to develop better planning processes in this critical area.

Most State and local programs financed with LEAA funds receive grants from State planning agencies that have received block grants from LEAA. The remaining funds are allocated as grants or contracts for projects which generally LEAA believes have national significance. These funds are called discretionary funds. In addition, LEAA's National Institute of Law Enforcement and Criminal Justice directly funds certain research and demonstration projects. LEAA manages projects, such as the Pilot Cities Program, receiving Institute or discretionary funds, and State criminal justice agencies manage projects which receive money from the block grants awarded to the States.

We wanted to determine whether LEAA had adequately planned and managed the Pilot Cities Program and whether the program was worthwhile in light of LEAA's responsibility to use resources directly under its control as effectively as possible to improve the criminal justice system and reduce crime.

It is especially important to evaluate such efforts as the Pilot Cities Program because, as the Attorney General

said in the fall of 1974, we are not at all sure what the causes of crime are or how to prevent them. Because the Federal Government, primarily through LEAA, supplies only a small portion of all funds spent to prevent and reduce crime and because there are probably not enough resources directed to solving the problem, it is especially vital that funds under LEAA's direct control be used as effectively as possible.

The adequacy and usefulness of any efforts funded with moneys LEAA directly controls, therefore, need to be viewed in that perspective. A key question is whether projects funded with such funds are sufficiently innovative to warrant their receiving direct grants from LEAA, as opposed to being funded by States with block grant funds.

By selecting medium-sized locations with known receptivity to change dispersed throughout the Nation, LEAA intended that the Pilot Cities Program produce efforts to improve the locale's criminal justice system which would not have occurred had the program not existed. LEAA believed that other States and localities could then benefit from the processes developed and the specific projects implemented.

Each location was to have a 5-year term consisting of three successive 20-month funding phases (phases I, II, and III). Grants were awarded to nonprofit organizations or universities, as shown in the following table, for a team to do research and to plan projects. Operating funds amounted to about $20,000 per month per city, or $9.6 million.

Funds allotted for demonstration projects amounted to $500,000 per fiscal year per pilot city, or about $20 million. Grants for demonstration funds were awarded to State and local criminal justice agencies to finance proposed projects.

Location (note a)	Initial award date	Months remaining after June 1974 (note b)	Grantee
San Jose, and Santa Clara County, Calif.	May 1970	12	American Justice Institute
Dayton, and Montgomery County, Ohio	July 1970	12	Community Research, Inc.
Charlotte, and Mecklenburg County, N.C.	Dec. 1970	(c)	Institute of Government, University of No. Carolina
Albuquerque, and Bernalillo County, N. Mex.	Feb. 1971	26	Institute of Research and Development, University of New Mexico
Norfolk (standard metropolitan statistical area), Va. (note d)	Sept. 1971	28	College of William and Mary
Omaha, and Douglas County, Neb.	Sept. 1971	25	School of Public Affairs and Community Services, Univ. of Nebraska at Omaha
Des Moines, and Polk County, Iowa	Sept. 1971	29	Drake University
Rochester, and Monroe County, N.Y.	June 1972	35	University of Rochester

[a]Although referred to as a Pilot Cities Program, the program included the county in which the major city was located, except in Norfolk, as noted.

[b]Total time may exceed 5 years because of limited extension granted by LEAA.

[c]The grantee withdrew from the Pilot Cities Program as of April 30, 1974. At the conclusion of our fieldwork, there were no plans to resume the program. (See pp. 25 to 27.)

[d]Included the cities of Norfolk, Portsmouth, Chesapeake, and Virginia Beach.

To evaluate whether the program was worthwhile, we reviewed the efforts of all eight locations taken as a whole. Although we anticipated variations in the quality of the efforts taken individually, we believed that to evaluate the entire program we had to draw conclusions on the basis of an assessment of the overall effort.

Such an assessment included judging whether the cumulative benefits accruing to the eight locations were sufficient to provide LEAA and the States with new information--not necessarily obtainable through other means, such as evaluating efforts funded with block grants--that would enable them to more effectively fight crime.

Among the primary factors considered in making such a determination were:

--The extent to which program objectives were adequately developed.

--The stability of the teams in the pilot city locations over the projected life of the program in terms of staff continuity and program emphasis.

--The innovativeness of the planning undertaken and projects developed in the locations.

The program objectives should have been clearly defined and clearly understood by all participants from the beginning. The stability of the pilot city teams throughout the test period should have been insured so the program's hypothesis could be proved or disproved. The character of the planning, research, and projects undertaken should have been sufficiently innovative to justify the continued expenditure of noncompetitive, direct Federal grants.

Underlying our assessment of these factors was our belief that for the program to succeed proper Federal management was essential.

SCOPE OF REVIEW

To assess the Pilot Cities Program, we reviewed in detail the operations of the pilot city teams in Albuquerque, Dayton, Norfolk, Omaha, and Santa Clara and briefly visited

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and reviewed operations in Charlotte, Des Moines, and Rochester. We also visited LEAA headquarters and appropriate regional offices. Most of the fieldwork was done between August 1973 and April 1974.

CHAPTER 2

INADEQUATE PROGRAM DEVELOPMENT

From the beginning of the Pilot Cities Program's development in 1969, LEAA did not have a clear idea of the type of program it wanted to test. As a result, eight individual programs have evolved which, while benefiting the local communities to various degrees, when taken together have not been very successful in accomplishing the program's goals.

THE BASIS FOR PILOT CITIES

The program developed out of a January 1969 request to LEAA's National Institute for Law Enforcement and Criminal Justice by the Institute for the Study of Crime and Delinquency.[1] The request was for funds to establish a "correctional laboratory at the local government level" in Santa Clara County, California.

The purpose of the proposal was "to see if, and how local people could be engaged to introduce innovations to optimize the criminal justice system on a systematic basis." In addition to planning to study the process of change, the proposal sought funds to "carry out the implementation of criminal justice system innovations developed through the study of the local system and as expressed in a plan of action." The prospective grantee did not propose to describe projects in advance, but to develop them from study and planning.

LEAA reacted positively to the request and discussed the project's development with staff from the American Justice Institute for about a year. However, the perspectives from which LEAA and the American Justice Institute viewed the proposed project were somewhat different.

The American Justice Institute requested funds to establish a specific project at one location. On the basis of previous work it had done in other California communities, the American Justice Institute apparently had a clear idea of what it wanted to do in Santa Clara County. LEAA staff,

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1/Subsequently named the American Justice Institute.

however, had to be concerned with trying to view this one request for funds in a broader national context.

The January 1969 through May 1970 period was a turbulent one for LEAA. During that time the agency developed the specifics of the American Justice Institute grant, which formed the basis for the Pilot Cities Program. LEAA was not established until June 1968. A new administration took office in January 1969 and had to decide what type of emphasis to give LEAA's programs.

The American Justice Institute saw its proposed project primarily as a way to improve the quality of justice in the host community by researching its criminal justice needs and implementing changes suggested by that research. LEAA's view of the proposal is not completely clear--partly because, among other things, seven different LEAA National Institute officials were responsible, at one time or another, for working with the American Justice Institute to develop its proposal and eventually the Pilot Cities Program. According to an American Justice Institute official:

> "All LEAA Institute Staff had slightly different ideas and perceptions. Some of them were philosophically and professionally sympathetic to our views--some were not. Because it was a new agency, and because of the staff changes, I don't think a well-defined agency [LEAA] viewpoint existed about whether we had a good project or a bad project, or later whether Pilot Cities was a good idea or a bad idea."

One difference between LEAA and the American Justice Institute concerned the specificity of the proposal. LEAA wanted the proposal to be more specific in terms of the types of projects to be funded. As noted above, the American Justice Institute was not opposed to developing projects but believed they could be described in detail only after research and planning. According to the American Justice Institute official who was primarily involved in the negotiations and became director of the Santa Clara pilot city team, the difference in emphasis represented a divergence in philosophy, style, and approach between the two organizations and produced continual problems once the project was funded.

In June 1969 the proposal was revised somewhat to try to resolve this difference. In October 1969 a new staff member joined LEAA's National Institute and was assigned responsibility for developing an acceptable grant proposal. He apparently wanted to try to change the American Justice Institute's project proposal to fit in with a larger program he was developing. It was about this time, therefore, that LEAA decided to try to use the American Justice Institute's proposal to develop a specific project, in one location, as a basis for a broader national test.

In fact, in October 1969 the Acting Chief of the Center for Demonstration of Professional Services of LEAA's National Institute wrote the president of the American Justice Institute that he would like to "explore the possibility of linking your proposal * * * with the plans of the National Institute for the demonstration of new programs."

In January 1970 another LEAA staff member became responsible for negotiating with the American Justice Institute about the specifics of its grant proposal and about the development of the Pilot Cities Program. During this period LEAA also began considering other possible pilot city locations. The American Justice Institute official dealing with LEAA at this time, however, told us that discussions with LEAA focused on what might be developed in Santa Clara County and did not deal with the development of a broader national program.

But it is clear that within LEAA discussions focused on developing a national effort as a result of the American Justice Institute proposal and that LEAA wanted to emphasize developing specific projects.

The Director of the National Institute stated LEAA's views of the program in a March 1970 memorandum to an LEAA associate administrator:

> "The projects in the pilot cities are mainly taken from prior research that has proved either on a research or demonstration basis, or both, that a certain kind of action is feasible and helpful. Therefore, in the projects we are primarily looking to implement prior knowledge rather than establish innovative ways that have not been tried before. As you will recall, the theory of the pilot cities

is to put existing knowledge together in a package and implement it across the whole criminal justice system in these designated areas." (Underscoring provided.)

Apparently, LEAA's view was project oriented. It approved the American Justice Institute's grant in May 1970 for the first pilot city experiment.

Santa Clara's applications noted that its project's goals were to:

--"Establish a place equipped for experimental study of the criminal justice system at the local government level.

--"Develop agreements with Santa Clara county and its principal cities to accept various new programs for implementation, study, and evaluation.

--"Develop new methods which promise to make the criminal justice system more effective.

--"Develop or identify the necessary measurement techniques which are needed to assess the impact of these new methods upon the criminal justice system.

--"Develop and test new methods for determining the impact of experimental programs.

--"Learn more about how successful changes can become part of the daily operation of an agency.

--"Learn more about how best to disseminate and introduce these changes in other jurisdictions."

The application then explained in detail the methods to be used to achieve the goals. It also listed proposed research projects and noted that demonstration projects would be implemented, but stated that the projects were not yet developed and therefore could not be described in detail. From the grantee's standpoint, the program's purpose and emphasis were clear.

The Santa Clara grant was worded so that the American Justice Institute could emphasize (1) improving the process of criminal justice research and planning and (2) developing specific, current, state-of-the-act projects to upgrade the local criminal justice system. The grant did not have to specify the importance of each goal. The lack of emphasis in Santa Clara's grant of any one goal (such as research or project implementation) over others was not detrimental to that pilot city effort because the team and local officials understood what they wanted from the program as a result of their negotiations of more than a year with LEAA before the grant was approved.

But the subsequent pilot city teams that used the wording of the Santa Clara grant, almost verbatim, in preparing their grant applications (at LEAA's direction) did not have the benefit of the Santa Clara team's experience. They could not be expected to clearly understand their program's purpose and to what extent certain goals were more important than others. LEAA should have given them appropriate guidance by making their grant applications more specific. Apparently, however, LEAA was not able to mold the program to clarify its emphasis because, even though the National Institute Director's March 1970 memorandum stated the desired emphasis, the subsequent pilot city grants did not reflect that. In effect, by allowing each remaining pilot city to copy the Santa Clara grant application, LEAA let each city interpret the program's objectives and emphasis. Instead of a coordinated national pilot city effort, the result was eight individual programs.

1973 GUIDELINES

The inability of LEAA to adequately address the program's objectives is further evidenced by its not publishing official guidelines until January 1973, 2-1/2 years after the program began.

If LEAA had adequately planned and managed the Pilot Cities Program, the development and issuance of guidelines would have preceded initiation of any projects and possibly even negotiation of grant applications. Instead, LEAA management decided to fund and implement a test program in diverse locations and, once the program was underway, try to develop it into a cohesive national effort.

In any national test effort involving expenditure of funds directly under a Federal agency's control, guidelines should be developed on the basis of what the test teams should do rather than on what they are doing.

The official pilot city guidelines published in January 1973 were a consensus reached among LEAA staff, State criminal justice planning officials, and the pilot city teams after the programs were operating; as such, they were broad enough to encompass all activities of the operating pilot cities. The guidelines therefore had little impact on what the cities were doing because they were based on what was already happening, rather than on what should happen. LEAA did not use the guidelines to try to provide direction to the program.

Program goals, as stated in the 1973 guidelines, were:

"To demonstrate the ability of an interdisciplinary team with exceptional research and analysis capabilities to work with an operating criminal justice system and within a period of five years to contribute significantly to the improved ability of that system to reduce crime and delinquency and improve the quality of justice.

"To institutionalize the gains made during the Pilot City Program by building into the target area's criminal justice system the research and analysis capability necessary for system-wide, problem oriented planning and program evaluation.

"To understand more clearly the process by which change takes place in the criminal justice system so that more effective means can be devised for the nationwide dissemination and possible implementation of well-tested innovations."

LEAA'S MANAGEMENT APPROACH

Why did LEAA not take a more aggressive role in developing the Pilot Cities Program? Basically because of the general management philosophy that existed at the agency. Because most of LEAA's funds were provided as block grants to the States, LEAA believed the States should have primary

responsibility for developing specific projects and managing them. Generally, LEAA's management approach toward its block grant program was to decentralize decisionmaking and to provide minimum central direction.

On the basis of reviews of LEAA's activities, we concluded that in some instances such a management approach provided inadequate national accountability, and we therefore recommended in our reports[1] that LEAA more actively manage the block grant program. We do not disagree with the block grant concept or with the philosophy that the States and localities know best what their specific problems are and how best to address them. Our concern was to bring about adequate national accountability of such efforts.

Because LEAA was relatively new when the Pilot Cities Program began, the agency's general management philosophy of its block grant programs influenced all projects being funded with LEAA moneys--block, discretionary, and National Institute funds. When the Pilot Cities Program was developed, LEAA apparently did not recognize that a national test of certain concepts called for a different management approach than did a block grant program.

This failure to manage discretionary funded projects differently than other funded projects affected more than just the Pilot Cities Program.

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[1]"Report on Administration of the Program to Reduce Crime in Minnesota" (B-171019, Jan. 21, 1974).

"Difficulties of Assessing Results of LEAA Projects to Reduce Crime" (B-171019, Mar. 19, 1974).

"Federally Supported Attempts to Solve State and Local Court Problems: More Needs to be Done" (B-171019, May 8, 1974).

Letter report to the Administrator of LEAA on administration of planning funds (June 5, 1974).

"Progress in Determining Approaches Which Work in the Criminal Justice System" (B-171019, Oct. 21, 1974).

In an October 1973 report to the LEAA Administrator, we commented on the extent to which 42 projects funded with LEAA discretionary funds in 3 States during fiscal years 1970, 1971, and 1972 differed from those funded by those States with block grant funds. We determined that there was no appreciable difference between (1) the types of projects funded with either type of funds or (2) LEAA's management of projects receiving either type of funds.

LEAA's management and use of its discretionary funds has improved considerably since fiscal year 1972. However, during the time the Pilot Cities Program was developed, LEAA generally provided minimal central direction for its programs. We believe this is one of the main reasons why it did not properly develop the Pilot Cities Program.

LEAA's failure to initially clarify the program's objectives for its own staff and the pilot city teams greatly affected the overall program's development. Those teams with a sense of direction and strong leadership were, in effect, able to carry out their programs as they saw fit without much direction or interference from LEAA. Teams that needed direction, however, did not receive adequate advice or guidance from LEAA. Instead of a type of national test, the result was eight individual projects. Moreover, most of the pilot city teams experienced significant difficulties in developing and implementing cohesive programs.

CHAPTER 3

STABILITY OF PILOT CITY TEAMS

One problem that affected adequate development of the Pilot Cities Program was the instability of many of the pilot city teams' efforts. The program's plan was to have the teams research their communities' criminal justice problems and develop appropriate projects and technical assistance efforts to help the communities solve the problems.

Three of the five teams we reviewed in detail--Albuquerque, Dayton, and Omaha--did not develop their efforts in this way. They shifted emphasis and generally had difficulty maintaining a viable pilot city effort. The two other teams reviewed in detail--Santa Clara and Norfolk--maintained relatively stable operations; they developed appropriate community support, researched problems, and implemented projects.

Another team, Charlotte, withdrew from the program in April 1974 because of a lack of adequate LEAA direction and because it did not anticipate any sustained local interest in planning communitywide approaches to solve criminal justice problems. The Des Moines team apparently experienced startup problems and did not accomplish sufficient research and project development during its first 20 months of operation. The Rochester team, which began almost a year later than any other, has apparently made progress.

Overall, therefore, three of the eight teams may have progressed satisfactorily. Several team directors said that benefit to the Nation should be judged in terms of the lessons learned from the processes the teams used to try to change their localities' criminal justice systems. In several localities this process was severely interrupted because of the way LEAA managed the program.

What happened as the teams tried to develop? What went wrong in some locations and why? Why did other teams appear to be more stable? Some answers follow.

FINANCIAL PRESSURES

Several teams experienced pressures to spend their project money. Each pilot city team was to be provided discretionary funds of $500,000 per fiscal year during its 5-year life for implementing demonstration projects. Any unused portion of the $500,000 expired at the end of the fiscal year and was generally not available for future use by the teams. Because this money was available, LEAA applied pressure to make sure that projects were developed so all the money could be used.

These pressures existed partly because LEAA staff were unclear about the program's objectives. For example, while the Director of LEAA's National Institute believed the program should be project oriented (see pp. 8 and 9), the approved grant applications emphasized development of a general process leading eventually to implementing projects and improvements in the criminal justice system.

Most pilot city team officials believed that demonstration projects should begin only after an initial period during which the team could establish itself in the community, develop lines of communication with criminal justice officials, and research the community's criminal justice problems.

Several pilot city teams did take this approach. As noted in chapter 2, the Santa Clara team worked with the community for over a year, while its grant was being negotiated and developed by LEAA, to secure community support and cooperation. The Norfolk team also spent its initial period familiarizing itself with the pilot city area and its criminal justice problems and establishing working relationships with local officials. After such groundwork the teams began to concentrate on implementing projects.

The Albuquerque, Dayton, and Des Moines teams tried to follow that approach but, because of pressures from LEAA, had to focus on developing projects before they had laid the groundwork for using the projects in the overall process of trying to improve their locales' criminal justice systems. As a result, they could not maintain viable pilot city efforts.

An example of LEAA's approach is reflected in the efforts of its New York regional office to get the Rochester team to quickly develop projects. The Rochester grant became effective in March 1972 and was accepted by the grantee in June 1972. Research commenced as of August and by November 1972 all the staff had been hired.

However, in January 1973 the New York LEAA regional pilot city coordinator wrote the following to the Rochester pilot city team:

> "At a recent staff meeting, [the New York regional administrator] expressed some concern that no Rochester Pilot City action programs had been funded. Although we are all aware of the time needed to prepare the background information necessary to develop viable programs, you must understand we are also operating under tremendous pressures from Congress and the LEAA Central Office to move LEAA funds into operating programs as quickly as possible. With this in mind, I think your top priority, once your baseline data has been collected and analyzed, should be to skim the cream off the top and begin developing some discretionary grant applications for programs which address the most obvious criminal justice problems and needs. Later, you can concentrate on developing more innovative, specialized programs."

In April 1973 the coordinator advised the director that the team had to obligate its demonstration money by June 30, 1973, the end of the fiscal year, or lose it.

In response to LEAA's pressure, the Rochester team director wrote a memorandum to her staff in April 1973 requesting them to provide ideas about potential programs within 3 days. Through June 30, 1973, Rochester had $800,000 in LEAA pilot city demonstration funds that it could obligate: $300,000 for March to June 1972 and $500,000 for July 1972 to June 1973. The team submitted proposals to LEAA to obligate all the money, but, according to the pilot city team director, the team could have functioned better if it had been allowed to research problems for about 18 months before having to commit project funds. She added, however, that, on the basis of her previous knowledge of

the community and the staff's research efforts, she believed the projects did address some of the community's problems.

LEAA's efforts to force project development too early in Albuquerque and Dayton had serious consequences.

Albuquerque

Albuquerque's pilot city grant was awarded to the University of New Mexico in February 1971. A team director was not hired until April 1971. In May 1971 an LEAA headquarters official urged the team to gain credibility in the community by developing some demonstration projects and advised the team that fiscal year 1971 grant applications for demonstration projects had to be submitted by June 1971.

With such a short leadtime, an adequate analysis of the location's problems and needs (pilot research) was impracticable, as was the orderly development of projects to meet those needs. The team submitted eight demonstration project applications totaling about $256,000 to LEAA in early June 1971. The applications were not based on adequate research and planning needed to establish problems and priorities.

LEAA designated only two of the eight projects as fiscal year 1971 projects. Those two projects were approved within 2 months. The remaining applications were not approved until 6 to 10 months later and were designated as fiscal year 1972 projects.

Moreover, on June 6, 1971, an LEAA official advised the Albuquerque team that about $1 million in competitive discretionary funds were also available and asked the team to demonstrate its competence by assisting local agencies to apply for these funds by June 17, 1971. The team responded by helping local agencies develop nine project proposals totaling $708,703. LEAA approved only three, totaling $150,000.

As a result of LEAA's pressure on the pilot city team to use funds quickly:

--Demonstration projects were conceived without proper research and in some cases copied from applications submitted by other teams.

--Research activities had to be postponed.

Also, as a result of LEAA's disapproval of competitive discretionary grants and extensive delays in approving demonstration projects, the team's credibility and its relationships with criminal justice agencies were damaged.

Dayton

The Dayton team also tried to comply with LEAA's request to develop ways to use money and began writing grant applications. As a result, the team discontinued its systems planning approach and disrupted its test of the pilot city concept of developing better projects to reduce crime through better planning and research.

The team's report on phase I described the effect of LEAA's request on the Dayton program as follows:

> "The extensive investment of Pilot Cities time and energy in the development of the demonstration programs * * * has had disheartening results. Pilot Cities played a variety of roles in the development of these projects: some they wrote completely; some they helped write; for others they provided technical assistance; and for all, they assisted in obtaining local fund match and necessary governmental approval. These activities, which were encouraged by LEAA, detracted from the main thrust of the Pilot Cities program. * * *"

Ten demonstration project grant applications were submitted to LEAA for approval. Many of these projects were "off the shelf," that is, standard projects used elsewhere and not based on an adequate analysis as to whether they satisfied Dayton's needs. Only five were approved and, as a result, the team's credibility in the community diminished greatly.

Charlotte and Santa Clara

LEAA also tried to persuade the Charlotte and Santa Clara teams to develop projects very quickly. According to the Charlotte team director, in the spring of 1971 an LEAA official requested him to develop enough projects to obligate $1 million in addition to the normal allotment for

demonstration projects. About a week later, however, the director asked LEAA if the money was still available. He was told it was not, so he did not develop any project proposals.

The Santa Clara team director was also asked by LEAA if he could quickly prepare grant applications for projects to help use an additional $1 million before the end of the fiscal year. The director said he did not agree to the request because to do so would have disrupted the process of trying to improve the local criminal justice system. His decision was based on three factors:

--The allotted time was too short to develop good projects.

--He did not want to raise the local community's expectations that more money would flow into their area and then not be able to produce, because this would damage his team's credibility and handicap its future efforts.

--Developing project applications very quickly would have meant stopping all other pilot city activity, thus putting the entire project off schedule.

As noted above, these specific adverse effects occurred in Albuquerque because LEAA convinced the team to develop projects very quickly.

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We believe the problem in Albuquerque and Dayton would not have occurred had LEAA and the teams clearly defined the program's goals and emphasis before it began. Because the Santa Clara team had taken more than a year to refine its program and was clear as to what it wanted to achieve, it resisted LEAA's efforts which, in effect, disrupted the program. The Albuquerque and Dayton teams did not have the benefit of that experience; thus, they apparently did not sufficiently understand their objectives to effectively resist LEAA's pressures to develop projects quickly. Had the teams and communities not expected, probably unreasonably, that applications would be approved, the teams' credibility might not have been so greatly impaired.

REGIONAL GUIDANCE

Another factor affecting the stability of many of the pilot city teams was the inconsistent LEAA regional office management and guidance of the program. Inadequate regional guidance was partially responsible for the Charlotte team's withdrawal from the program. It caused considerable problems in Albuquerque, Dayton, Omaha, and apparently in Des Moines.

As part of its effort to implement the philosophy of the "new federalism," LEAA, during 1971, gave its regional offices responsibility for making most decisions about how the States would spend and be held accountable for LEAA funds, including those of the Pilot Cities Program. LEAA's decision to decentralize operations, however, adversely affected the program's progress for the following reasons:

--No specific description or guidelines existed for regional staffs to follow.

--Regions had just been established and knew little about the program.

--Decentralization was abrupt. Each region received boxes of the appropriate pilot city's records, was briefed by LEAA headquarters staff about the program, and was told to designate a staff member to become the pilot city coordinator.

Because LEAA headquarters staff in the National Institute had not specified the program's objectives, each regional office coordinator's principal problem was perceiving the program's goals as best he could and providing guidance to his pilot city team accordingly. The coordinators' perceptions of the program's goals were not always the same.

Also, at about this time LEAA developed and implemented its High Impact Anti-Crime program--a 5-year program in which eight cities received $20 million each to reduce rape, homicide, robbery, and burglary. According to LEAA officials, the regional offices concentrated more on implementing the Impact Cities Program than on directing the pilot cities effort. They believed this also contributed to inadequate direction of the Pilot Cities Program.

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The Charlotte team's phase I report discussed the reason for the problems that arose during decentralization as follows:

> "Most of the confusion stemmed from a failure on the part of the central administration of LEAA to have articulated why they had initiated the Pilot City program in the first place and what it was they were trying to accomplish. In light of that, the difficulty that LEAA's regional offices later found dealing with the project is quite understandable."

The Santa Clara pilot city director told us:

> "LEAA emphasis and policy shifted considerably, especially in the early days of the program. One explanation we offer for the apparent success of this Pilot is that the Pilot Program staff had some consistent internal sense of goals and objectives and was able to anticipate and deal with the shifts. We did not have to swing radically from one set of goals or methods of operation to another as these instructions [from LEAA] changed."

The Norfolk team director also believed his team "was able to continue to maintain a steady and planned course of development."

As early as October 1971, LEAA recognized weaknesses in the Pilot Cities Program. At that time its Inspection and Review Committee[1] reviewed the Santa Clara program and noted that:

--Various LEAA officials gave conflicting guidance and direction to this program.

--LEAA did not have a carefully articulated policy for guiding pilot city development.

[1]Subsequently called the Office for Inspection and Review and now the Office of Planning and Management.

--Each pilot city was operated differently, reflecting the personality and ideas of its project director.

Overall, the committee found that the Pilot Cities Program had unclear objectives, lacked continuity, and needed a national coordinator.

LEAA headquarters staff, over a period of time, attempted to improve program management by (1) providing regional offices with draft guidelines for establishing and managing LEAA pilot cities, (2) appointing a national pilot city coordinator to oversee the regions' operation, and (3) issuing program guidelines in 1973.

These efforts, however, fell short of providing the central direction needed to insure national cohesion because:

--The Guide for the Establishment and Management of LEAA Pilot Cities was drafted but never officially issued. Thus, some regions did not believe it was useful because it was not an official document that they could refer to as a source of authority in their dealings with the pilot cities.

--The national coordinator was not appointed until 3 months after decentralization and provided very little coordination. Like his counterparts in the regions, the coordinator had other major duties and faced the same basic problems because the program's terms, concepts, and goals had never been adequately defined.

--The guidelines for the pilot teams were not issued until January 1973, about 2-1/2 years after the Pilot Cities Program started. Moreover, the guidelines represented the team directors' consensus of what their programs had been doing up to that time. Rather than being a document containing LEAA's policy on what the teams should do, the guidelines were so broad that none of the pilot city teams' activities were excluded.

Inconsistent guidance

In addition to structuring itself, each region developed its own approach to managing its pilot cities. Some regions exercised strong control over their teams while others did not. The degree of regional control also varied within regions, owing to high turnover of regional coordinators and the various interpretations of program objectives. The following table shows the turnover from December 1971 to September 1973.

Region (pilot city)	Coordinators
Atlanta (Charlotte)	3
Chicago (Dayton)	5
Dallas (Albuquerque)	3
Kansas City (Des Moines, Omaha)	3
New York (Rochester)	1
Philadelphia (Norfolk)	3
San Francisco (Santa Clara)	1

When the teams sought advice from the regions, the responses varied because each coordinator understood the program differently. The lack of central direction caused individual teams to go different ways and led some to significantly change their program's emphasis, as shown in the following examples.

Albuquerque

The involvement of LEAA's Dallas regional office staff with the Albuquerque team changed from a hands-off approach to one of tight control. According to Dallas regional officials, while Albuquerque's program was under Washington's control, LEAA headquarters staff provided little guidance to the team. When LEAA operations were decentralized, the Dallas regional office became more active in overseeing the Albuquerque team. The extent to which the Dallas regional staff tried to direct the Albuquerque team efforts and the problems arising from the staff's lack of a clear understanding of the program are discussed below.

In November 1972, when the Albuquerque team requested funds for phase II operations, the Dallas LEAA staff required

the team to submit a work plan as part of its application. The work plan was to set forth the team's proposals for accomplishing the program goals.

On December 15, 1972, phase I operational funding terminated, but the Dallas office had not approved phase II funding. The Dallas staff eventually made a phase II incremental award of $40,000 to Albuquerque on January 2, 1973, only for December 16, 1972, to February 15, 1973, because of the possibility that Albuquerque's program might be terminated.

The Albuquerque team director met with Dallas LEAA officials on January 5, 1973, and submitted the revised grant application based on Charlotte's grant application which LEAA had approved. However, LEAA officials said the application should also include detailed information on demonstration projects to be conducted by local agencies, although this had not been included in Charlotte's application. LEAA Dallas officials agreed that the work plan explaining proposed demonstration projects could be separate from the grant application. The officials then informed the Albuquerque team that approval of its phase II grant application would still be contingent upon LEAA's approval of the work plan.

On February 1, 1973, the Albuquerque director submitted to the LEAA regional office the work plan, including information on the demonstration projects.

The LEAA staff spent over 2 months reviewing the work plan and in a letter dated April 18, 1973, informed the team director that the work plan had to be further revised. According to the director, LEAA had provided no written guidance specifying what was required in the work plan before the April 18, 1973, letter. Furthermore, the Dallas LEAA staff could not give us any written instructions on how to prepare the work plan, other than its April 18, 1973, letter, which it agreed did not provide clear guidance.

The pilot city team director submitted a revised work plan on May 18, 1973, which LEAA did not approve. On May 31, 1973, a meeting was held of Dallas LEAA officials, the team director, and local Albuquerque officials. At this

meeting LEAA said that the following additional information must be included in the work plan: a 100-percent accounting of the future man-day efforts and costs of the team staff, the hypothesis to be tested and anticipated results of each research project, and the transferability aspect and operating agency endorsements for each project.

On July 14, 1973, the Albuquerque director submitted to LEAA a revised work plan covering the period up to October 1, 1973. This plan was approved by the Dallas staff on June 21, 1973. Three work plan updates covering October 1973 to August 15, 1974, were subsequently submitted to LEAA and approved by it.

Because grant funding arrangements had been uncertain since December 1972, the team could not make any long-term commitments. As a result, it submitted no new demonstration projects to LEAA for approval and it could not hire replacements for three staff members who quit because of program uncertainty. In effect, Albuquerque's pilot city team became dormant in terms of producing projects.

According to Dallas LEAA officials, withholding phase II funds was not desirable but it was the only way to insure Albuquerque's compliance with the regional office's requirements. However, if the Dallas staff had specified work plan requirements in November 1972, many of these problems could have been avoided.

Charlotte

The actions of the Charlotte team illustrate the effects of minimal LEAA regional influence over a pilot team. In its phase II proposal, approved by LEAA, the Charlotte team submitted a grant application that omitted one of the basic goals of the Pilot Cities Program--to use action-oriented teams of professionals to induce improvements in the communities' criminal justice systems. The teams were to be active agents for change. But the Charlotte phase II grant application stated that the team would not act in such a role:

> "The Pilot Project Team exists only to provide analytical skill and its products. It is not directly

to provide the motive force for mobilizing community energy to seek reform, or to prod action from local institutions."

In a June 1973 interim report on its phase II activities, the Charlotte team indicated its philosophy more specifically.

"The pilot project does not see as its mission the reform, or improvement, of the criminal justice system. It sees itself only as making available an analytical capability. Thus, the purpose of the pilot project is not to improve criminal justice; it is to demonstrate whether the availability of that analytical work will lead to improvement."

* * * * *

"The pilot project has gone to considerable pains to counteract any impression that the project staff has a say-so in whether or not a project is funded from the Pilot City discretionary money. The pilot project sees it as entirely possible that a project seeking those funds could be conceived, an application for it written and submitted, its funding approved, and its implementation carried out without any involvement by the pilot project."

On February 18, 1974, the director of the Charlotte team wrote the LEAA Atlanta regional administrator that the team was withdrawing from the Pilot Cities Program as of April 30, 1974. Among the reasons cited were that the:

--Pilot city effort was somewhat inconsistent with the grantee's other activities, which focused on more statewide problems. The director stated that there was "little to warrant intensive focus on one jurisdiction."

--Team believed it was "working in a void" because of an "absence of purposefulness in the administration of the pilot city program as a whole."

--Team did not anticipate any sustained local interest in planning aimed at developing communitywide approaches

to solving criminal justice problems, believed it was improper for the team to "promote or manipulate towards their end," and saw little indication that LEAA would devise incentives for criminal justice planning in the pilot cities.

--Team did not believe it was possible to disseminate research and planning techniques to other jurisdictions because:

"there was nothing in the experience of the first two phases indicating any effort at the federal level to exploit the experience of the pilot project and [there were] * * * no indications that this would change during the third phase."

Dayton

In December 1971, when decentralization occurred, the Dayton team was still trying to recover from the effects of writing grants to use its first allotment of demonstration funds and part of the extra $1 million that was available. (See p. 18.) Although Dayton's phase I funding period expired in December 1971, the Chicago regional office did not approve its phase II funding request until May 1972 because the regional office was uncertain about the program objectives.

Between January 1971 and September 1972, all the Dayton team's professional staff members left the program, primarily because they were disenchanted with its efforts. A complete new staff was assembled by November 1972. During this period the team director tried to reemphasize the need to research the community's needs and problems before developing demonstration projects. However, LEAA's Chicago regional office became concerned because the Dayton team had not submitted any proposals for funding new demonstration projects and therefore requested the team to do so. The team director attempted to complete the research. Because LEAA and the director could not agree on the emphasis for the program, LEAA requested him to resign in December 1972.

From December 1972 until October 1973, the Dayton team did not have a permanent director. In April 1973 a con-

sultant was hired to reorganize the team and to develop applications for demonstration projects. As a result, five projects totaling $500,000 were proposed by the team and approved by the regional office on July 1, 1973. The projects were directed toward reducing specific crimes. An analysis of the projects' descriptions showed that only one appeared to be based on adequate research into the area's problems and needs.

Omaha

Confusion between Omaha team members and LEAA's Kansas City staff about the way the program should develop affected the team's stability.

In a letter to the team director dated July 18, 1972, an LEAA regional official said

> "the focus of demonstration projects should be designed primarily to solve specific problems within the criminal justice agencies of the Omaha-Douglas County area and to benefit emphatically that immediate community."

Apparently on the basis of the above comment, a University of Nebraska official wrote to LEAA about a year later and said

> "As I understand it, an agreement was reached among the pilot cities and LEAA that projects funded need not be nationally innovative so long as they were innovative for the jurisdiction concerned."

LEAA responded,

> "Innovation as you have defined its use for the Omaha pilot program would in our opinion adjust the program from national in scope to parochial in nature."

During phase I (from September 1971 to June 30, 1973) the Omaha team identified potential projects and selected the best methodologies to study them. The team developed 9 project proposals and discussed 25 potential proposals. It generally believed that any projects that were new or

innovative to the community could be funded. For example, the team proposed projects to improve law enforcement agencies' use of computers, to provide a new method of handling the drunk offender, and to provide better processing of court information.

LEAA approved the following three pilot city demonstration projects during Omaha's first phase.

Project	Approval date	Amount
Community Based Resources for Criminalistics Examination	9-11-72	$ 78,687
Mobile Teleprinter System	3-22-73	5,775
The Resource-Investigative Need of the Public Defender's Office	5-10-73	121,821

None of the projects were based on adequate research into the community's criminal justice needs and priorities. The Mobile Teleprinter System and the Community Based Resources for Criminalistics Examination projects were initially conceived by the Omaha police division. The Mobile Teleprinter System, however, was canceled because of the city's inability to lease equipment. The Resource-Investigation Need of the Public Defender's Office project, which concerned ways for organized labor to provide employment for offenders, was conceived and developed by the pilot city team. According to a team member, all three projects resulted mainly from a series of meetings between team members and Omaha criminal justice officials.

Through June 30, 1973, the team issued eight baseline data reports. But, according to the pilot city research associate, the only project developed as a result of the baseline data was not funded with pilot cities money because LEAA did not find it new or innovative. The project was to develop and implement a crime information analysis unit in the Omaha police division to directly assist decisionmakers. The project, costing about $33,000, was subsequently funded by the State with LEAA block grant funds. Moreover, according to LEAA's evaluation of Omaha's phase I activities, most project proposals submitted did not contain "sound research methodology and evaluation components."

From September 1971 to June 30, 1973, the Omaha team had received about $261,000 in operating funds from LEAA. Although not many projects had been implemented, the team had done some research and developed some project proposals. LEAA reviewed Omaha's phase I activities and issued a report on its operations concluding that the program was ineffective. As a result, there was an almost complete turnover of staff as of June 30, 1973.

Phase II began on July 1, 1973. However, as of October 1973 very little had been accomplished because of the time needed to hire the new staff and a decision to concentrate on only the corrections area, rather than on all elements of the criminal justice system. During that time no additional projects were proposed by the team for funding with pilot cities money. According to a subsequent LEAA review of the Omaha team's activities as of the spring of 1974, there was still considerable instability within the team and little cooperation between the team and most segments of Omaha's criminal justice community.

A misunderstanding about the program's objectives between the Kansas City regional office and the Des Moines team apparently caused some of the same type of confusion that existed in Omaha. Both the regional office and the pilot city team noted that LEAA's National Institute had not provided adequate criteria to determine whether proposed projects were new or innovative. Team officials also said that problems resulted from regional office pressure to fund projects quickly. They believed it would have been better to initiate demonstration projects only after the team had had time to establish itself and develop lines of communication with the criminal justice community.

SELECTION OF PILOT CITIES

Another factor affecting the stability of one team was the way LEAA applied its criteria for selecting pilot locations.

LEAA's criteria were essentially those used by the American Justice Institute to select the Santa Clara area in which to try to implement its specific project proposed to LEAA in 1969. One of the primary factors to be considered

was the extent to which the community and the criminal justice system were receptive to change.

Specific criteria and bases to be used by LEAA to select the pilot cities follow.

1. City of 200,000 to 500,000 population	1970 census
2. Substantial minority population (10 to 20 percent)	1970 census
3. Average or worse crime problem	FBI Uniform Crime Reports
4. Geographically separate from other major urban areas	U.S. Atlas and other maps

Cities not meeting these criteria were to be eliminated. The remaining cities were then to be examined according to the following:

--Reasonable stability of local political and governmental management leadership.

--Political and governmental management leadership disposed to support criminal justice agency development.

--Law enforcement and criminal justice agency leadership proven receptive to change.

--Compatible relationships among political, management, and criminal justice agency leadership in operations and/or development planning.

--Some unification of law enforcement and criminal justice agency leadership.

--Availability of a university or private nonprofit organization with law enforcement or criminal justice research capability as a possible applicant for the pilot city grant.

LEAA also believed that the pilot city teams should locate in the host communities and that each region should have a pilot city.

Albuquerque was selected even though LEAA's analysis indicated it should not have been. LEAA documents show that Albuquerque and Tulsa were among the primary cities being considered as possible pilot cities in region VI. National Institute staff visited the candidate cities and concluded that Tulsa best met LEAA's criteria and should be the pilot city. The staff rejected Albuquerque because it believed (1) the community's criminal justice leaders did not show much interest in the pilot city program, (2) the police chief appeared reluctant to implement innovative projects, and (3) friction between the police and courts on the one hand, and the city and county managers on the other, indicated an unstable political environment.

The LEAA decision paper of October 21, 1970, contained profiles on the seven cities considered in region VI and recommended to the Associate Administrators that Tulsa be selected. LEAA's Associate Administrator in charge subsequently told the National Institute to select Albuquerque. (There was no Administrator of LEAA at that time.)

We could find no conclusive documentation indicating why Albuquerque was selected over Tulsa. However, New Mexico and Albuquerque officials, National Institute staff members, and LEAA Dallas regional office staff members indicated that they believed Albuquerque was chosen primarily for political reasons.

Some of the problems the Albuquerque team has experienced--such as loss of credibility and difficulties in developing a phase II program--may have been partly related to the city's not meeting LEAA's criteria for selection. From the beginning there was a lack of cooperation between the pilot city team and some local officials. This made it extremely difficult for the team to try to effect positive changes in the community's criminal justice system.

Several other localities did not meet LEAA's criterion of having a minority population of 10 to 20 percent. For example, neither collectively nor individually did the

cities in the Norfolk program meet the minority population criterion. The 1970 census statistics showed the minority population of the four cities to be:

Norfolk	28 percent
Chesapeake	23 percent
Portsmouth	40 percent
Virginia Beach	9 percent

Collectively, the minority population was about 25 percent. Albuquerque's minority population was 37 percent; Charlotte's, 30 percent; and Des Moines', 6 percent. None of these deviations apparently adversely affected the teams' efforts. But the deviations do bring into question why LEAA developed criteria and then did not follow them.

CHAPTER 4

ACTIVITIES OF PILOT CITY TEAMS

Another way of judging whether the Pilot Cities Program should continue is to assess the teams in terms of the type of research and projects undertaken and the impact the teams have had on their criminal justice communities. We believe the key question that the Federal Government must ask is whether the cumulative effect of the efforts of the teams is sufficiently innovative to justify the further expenditure of funds directly under LEAA's control.

Some teams were more successful than others; however, taken as a whole, the efforts of the eight pilot city teams did not appear to be sufficiently innovative, compared to efforts being undertaken in other States with LEAA block grant and discretionary funds, to warrant continued financing of the program with LEAA discretionary and National Institute funds. This does not mean that some of the projects developed by the teams were not worthwhile and should not be continued. But such efforts should be funded with other than pilot city moneys.

Several pilot city team directors stressed that their efforts had benefited their communities considerably, both in terms of the innovativeness of the projects and in terms of the new way the communities address criminal justice planning. They therefore believed it was unfair to characterize their programs as failures. We do not doubt that some of the communities have benefited from the efforts of the pilot city teams and that such efforts could be considered successful. But it is parochial to try to assess the need to continue a national test on the basis of specific benefits that might accrue to certain localities. Such an assessment must be based on the overall experience of all the teams and on an evaluation of whether the experience merits continual, direct Federal support.

RESEARCH AND PROJECTS

The teams were to research the communities' crime problems, identify the major issues to be addressed, and help implement demonstration projects to alleviate the problems. Research was critical to the Pilot Cities Program. It was to be the basis for developing projects. It was also to be used to determine how to improve the communities' criminal justice planning.

Although it was clear from the approved grant applications that the pilot city teams had to do research, LEAA did not clearly define the type of research to be conducted. On the basis of the experience of the pilot city teams, however, LEAA's 1973 program guidelines noted that

> "[The research was] to concentrate on common problems in a real life setting and to develop tools, measurement techniques and methodologies which will be transferable to other jurisdictions. In this respect, the pilot city serves as a laboratory site to develop and test new methods for reducing crime in America."

One type of research expected of the pilot city teams was baseline data research. This should have been done with some consistency so the various experiences could be compared and conclusions could be made as to the possible transferability of various research methods. Once basic research was complete, the teams were to analyze and research specific problems (pilot research) and develop demonstration projects.

Baseline data research

All pilot city teams were to develop baseline data on the various aspects of their criminal justice systems. For example, LEAA required the Santa Clara team to submit a report outlining the scope and nature of the data to be developed. Santa Clara's grant application explained how this requirement would be carried out:

"From present knowledge of the available data, it appears to be possible to prepare a general description of each of the workloads of the criminal justice system during the past year. This initial system description will describe the workload and outcomes of the various phases of the criminal justice processes. Information will be obtained on the occurrence of crimes by geographical areas, the distribution of effort in the various departments, rates (or percentages) of the outcome of each process. This system will be gradually improved as better data and additional information is obtained; either through research projects, through demonstration projects, or as a result of on going county efforts to improve their information base."

Each pilot city obtained some information on the workloads and problems of the various components of its criminal justice systems. However, the teams had to determine what specific baseline data they wanted to collect.

As the teams developed the data, they realized that it was necessary to establish some common criteria because:

--The program was supposed to be national, thus requiring some reporting uniformity.

--The data would establish a common reference for comparing such things as different approaches used to solve similar problems.

The teams met several times and discussed this problem. In August 1972 six of the eight teams agreed to classify their baseline data as follows:

--Community characteristics.

--Crime statistics.

--Police systems.

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--Courts systems.

--Corrections systems.

--Criminal justice system configuration.

The Dayton team developed baseline information on the manpower resources, workload factors, and budgets of various components of its criminal justice community. The Omaha team published 10 baseline data reports dealing with such factors as crime and arrest trends and the organization of the components of its criminal justice system. The Albuquerque team obtained baseline demographic data and developed information on such things as opinions of citizens and criminal justice professionals on important crime problems.

The Norfolk team obtained such information as the organization and functions of the area's criminal justice agencies, staffing patterns, budgetary data, arrest data, number of court cases, and criminal offense trends. Whenever data was available, information was obtained covering the entire criminal justice system of each city. The information was compiled and analyzed by the pilot city team. However, the director of the research effort said LEAA provided no guidance on developing the data or using it to determine in which specific area the team should concentrate its pilot research and project efforts.

Although the teams obtained general baseline data, most could not obtain accurate information on the occurrence of crimes by geographical area. Other types of baseline data are important, but, without adequate information on crime occurrence, it is extremely difficult to determine where the real crime problems are and whether the teams' efforts affect the problems. One way to accurately develop such information is through victimization studies.

The need for this information is supported by an LEAA study which showed that nationally only about a third of the violent crimes committed were reported to the police.[1] The data can be used to establish a baseline against which to measure changes in the incidence of crime and shifts from one crime to another or one location to another and to analyze other trends. Periodic collection of this data could also be used to evaluate the success of the teams' efforts in reducing crime locally and the impact of the national program.

At the conclusion of our fieldwork in April 1974, most pilot city teams had not completed adequate victimization studies. In late 1970 LEAA contracted with the Bureau of the Census to provide victimization studies for Santa Clara and Dayton for about $197,500. The reports were issued in June 1974. According to LEAA officials, delays in completing the studies were caused by difficulties in computer program development and data analysis.

The Charlotte team supplemented a limited statewide survey by adding 56 interviews to it. The survey was not very useful, however, because the number of residents interviewed was too small to reliably project statistics. The director of the Rochester program said that a communitywide victimization study was not attempted in Rochester because of expense. The Norfolk director advised us that the team began a victimization study in the fall of 1973 and was analyzing the data as of August 1974.

The unavailability of such studies before the teams began developing projects to address specific criminal justice problems implies that the real problems may not have been known and that the projects may not have been properly focused. For example, during one phase of its effort, the Dayton team focused on developing demonstration projects to reduce specific crimes, such as shoplifting and robbery, in commercial areas. But, because the results of the victimization survey were not known at the time, it was impossible to know whether this was a proper area on which to focus. In fact, according to the Dayton victimization study, published in June 1974, only 12 percent of all robberies were committed against commercial establishments. The rest were committed against individuals.

[1] "Criminal Victimization in the United States, January-June 1973," Department of Justice, LEAA, November 1974.

In the final analysis, the purpose of the Pilot Cities Program is to develop better ways to reduce crime. But the lack of adequate victimization studies means that no quantifiable criteria exist against which to measure the program's impact on the true incidence of crime.

Pilot research and project implementation

Each team's understanding of the terms "new" and "innovative" greatly affected the way it approached pilot city research and developed and implemented projects. LEAA, however, did not adequately define the terms. Consequently, the teams did not know whether they should implement projects that were (1) truly innovative, (2) newly tried and proven but not used widely, or (3) widely used but not employed in their respective host communities. Inconsistent interpretation of the terms affected LEAA's decisions regarding approval of project demonstration grants, which in turn affected the emphasis of the teams' operations.

Some LEAA and pilot cities officials interpreted the terms literally. They believed that unless projects were truly new and innovative they could be considered parochial and would have little, if any, national application. Other officials believed that projects did not have to be literally new and innovative but only new to the host community for LEAA to approve their implementation.

Generally the latter view prevailed--if the projects were new to the pilot city communities, LEAA approved them. This emphasis has serious implications in deciding whether to continue the Pilot Cities Program. If the projects are new to the locations involved but have been tried elsewhere with LEAA block grant or other discretionary funds, is LEAA justified in continuing to support such efforts with discretionary and National Institute funds as part of the Pilot Cities Program? From a national standpoint we do not believe so.

No specific data was available to determine whether the projects were new and innovative. But available information indicated that the types of projects developed in most pilot cities were not much different from other efforts being funded with LEAA block grants or other discretionary funds.

A breakdown of the expenditures of pilot city demonstration funds through December 1, 1973, provided some indication of the program emphasis. Overall, about 27 percent of the funds (about $2 million) had gone to projects to implement or update information systems. LEAA's National Criminal Justice Information and Statistics Service is responsible for providing national direction to such efforts and for making direct, discretionary grants to States and localities to improve criminal justice information systems. Through fiscal year 1974 LEAA had spent about $52 million on such efforts. Although we did not compare in detail information system projects funded with pilot city funds to those supported by the National Criminal Justice Information and Statistics Service, descriptions for both types of projects were similar.

About 23 percent of the pilot city demonstration funds (about $1.7 million) went to provide new types of community treatment efforts. These efforts included developing such activities as youth service bureaus for coordinating community services to prevent youth from committing crimes and to rehabilitate those that have and alcohol detoxification centers to divert persons arrested for drunkenness from the criminal justice system. A comparison of some of the descriptions of such projects with projects funded by States with LEAA block grant funds suggests that the projects have similar approaches and goals.

The rest of the funds were allocated among the following programs.

Management studies of criminal justice system components	$ 362,000	4%
Hiring of additional staff for criminal justice agencies	406,000	6
Improving police training and training facilities	489,000	7
Problem analyses to improve allocation of criminal justice resources	1,330,000	18

Education and participation of the community in criminal justice	431,000	6
Diagnostic treatment and counseling of juvenile and adult offenders	627,000	9
Total	$3,645,000	50%

These projects included:

--Providing funds to stores in Dayton to purchase burglar alarms and television security systems.

--Supporting a full-time five-man narcotic squad in Metropolitan Albuquerque.

--Increasing the number of nonwhite officers in the Chesapeake Police Department.

--Supporting a crime laboratory in Omaha.

(See app. I for a complete list of projects funded.)

In addition, all six of Albuquerque's demonstration projects submitted to LEAA for approval during March, April, and May 1972 were for reducing property crimes because the team, in cooperation with the area's criminal justice agencies, had determined that such crimes were a major problem.

From a local standpoint such an effort appears worthwhile, but from a national perspective such a use of pilot city funds is questionable. LEAA's Impact Cities Program was designed to finance projects in certain cities to reduce specific types of crimes.. We question whether any national benefit could be gained from financing similar efforts with pilot city funds.

The Dayton, Norfolk, and Santa Clara teams provided pilot city funds to improve their localities' police planning. But LEAA did not approve a similar project in Omaha to assist the police to better relate crime information to decisionmaking. LEAA said the project was not new or innovative. However, it was eventually funded with block grant funds.

The Norfolk team's expenditure of about $353,000 for similar juvenile justice information systems in all four of the Tidewater's pilot cities is another example of pilot city funds being used to support a project similar to other efforts being funded by LEAA. The expenditure represented about 32 percent of Norfolk's pilot city demonstration funds spent as of December 1973.

The Norfolk team decided to concentrate on juvenile delinquency and, after researching the issue, apparently determined that basic information on juveniles should be computerized. It therefore developed similar juvenile-based transaction statistics information systems for all four cities.

The LEAA regional pilot city coordinator said that offender-based tracking efforts--such as the Norfolk team's system--had been tried at various locations throughout the country. Nevertheless, he recommended that they be funded with pilot city money because they were new to the cities involved and, if successful, would help future planning, management, and reform in the Tidewater's juvenile justice system. The Norfolk team director said the four systems are the most advanced in Virginia. They will apparently be of considerable benefit to the area if properly implemented.

But are the systems of the four cities innovative enough compared to other similar LEAA-funded efforts to warrant continued use of pilot city funds?

Other localities are apparently developing similar systems using LEAA funds. The Norfolk director believed his system's "Correctional Probability Aid Module" was unique. In 1971 the juvenile courts of the city and county of St. Louis developed an automated, juvenile-based information system for their administrative, judicial, and correctional information requirements. Among the apparently significant, unique, and progressive capabilities of the St. Louis system is a so-called "Correctional Probability Aid Module" which computes correlations between a child's characteristics and delinquent behavior, delinquent correction program success, and counseling success. A statewide computerized juvenile information system in Utah also has a module that attempts to predict recidivism, to evaluate and recommend intervention alternatives, and to refine recidivism measures and help develop prediction formulas.

According to a 1972 LEAA survey, about 27 jurisdictions have introduced some form of automation into their juvenile courts. An official of the National Council of Juvenile Court Judges has noted that one of the two major trends in juvenile justice information systems is using the computer for diagnostic and predictive purposes. The other major trend involves developing complete youth services information systems. Among other juvenile justice information systems that he believed were advanced were those in Florida and Colorado and local systems in Fulton County, Georgia (Atlanta), and Jackson County, Missouri (Kansas City). Many of these efforts are being assisted with LEAA funds--some through block grants, others as part of LEAA's Comprehensive Data System Program.

The Norfolk project appears worthwhile and very advanced, but we question whether it is sufficiently innovative to justify continued funding with pilot cities moneys rather than, say, with other LEAA funds more directly associated with its overall information systems improvement effort. Cities without pilot city teams have apparently had considerable success in persuading juvenile courts to adopt such systems. Thus, we question what further national lessons or benefits can be gained from continued use of pilot city funds to support such an effort. A comparative analysis of how the Norfolk team and other localities implemented such systems might have greater potential for providing useful information about how to get juvenile courts to implement such systems.

Santa Clara's efforts provide an example of a unique project because the team was able to follow the program's planned methodology--research, problem identification, project implementation.

The Santa Clara team determined that pretrail jail overcrowding was a major problem in the county and undertook to develop a population control model to answer three questions:

--Given any number or type of bookings, how long will it take to "fill" the jail (when will overcrowding occur)?

--Is the overcrowding the result of an increase in the number of admissions or the result of changes in the average length of stay?

--What particular "subset of prisoner types" is creating the problem and how much of the problem can be attributed to each type?

The answers to these questions would permit jailers to begin controlling the intake and discharge of prisoners to prevent jail overcrowding.

As a result of the research, the county implemented a demonstration project that provided a data collection and analysis capability for the jail population so that overcrowding could be monitored, predicted, and eventually controlled or prevented. The specific objectives of the project were to

--collect and analyze data,

--use the data to identify overcrowding alternatives and to simulate the process of implementing various alternatives, and

--transfer the system to other jurisdictions.

We did not evaluate the project to determine how effective it was or, for example, what would occur if the jail were full and the police continued to arrest offenders. However, the project was obviously developed as a result of the type of process the pilot city teams were supposed to adhere to and appears new and innovative.

TECHNICAL ASSISTANCE

Providing technical assistance was to be a primary way for the pilot city teams to effect positive changes. The impact of such efforts, however, is difficult to measure.

LEAA's pilot city guidelines noted that, because it was not visible and does not normally generate a "product," technical assistance is difficult to measure. Examples cited in LEAA's guidelines of activities technical assistance was to improve were:

--Criminal justice agency planning skills, including grant writing and coordination activities.

--Criminal justice agency management.

--Criminal justice research and evaluation.

All pilot city teams have rendered technical assistance to their localities and, if judged by this criterion alone, could have been considered partly successful. But, we believe the teams have sufficient experience for LEAA to analyze how they provided technical assistance and to derive information on the process and that such information could be transferred to other criminal justice planning units. Examples follow of the types of technical assistance provided by the teams.

According to the Santa Clara team director, technical assistance is advisory and always person to person and includes attending meetings, providing access to resources, helping people structure problems so they can be solved, and engaging the community in a dialog. Various Santa Clara County criminal justice officials indicated that the team was successful in doing these things.

For example, the county district attorney said that the team had been instrumental in bringing additional funds into the community and that because of the team's approach and capabilities he had supported projects that he previously might not have accepted. The chief adult probation officer told us that the team had suggested new ways for his staff to look at problems. The chief juvenile probation officer stated that before receiving help from the pilot city team his office could not prepare adequate grant applications. Because of the team's efforts, about $1 million in grants had been processed for developing projects directly affecting his program. He also said the team had been instrumental in initiating departmental planning. The director of a local public safety department said the team had provided invaluable advice on operational problems.

From the outset the Albuquerque team assisted criminal justice agencies with LEAA grant applications because the agencies were not capable of submitting applications on their own. The team was instrumental in planning and organizing a local criminal justice conference in November 1971 to develop a strategy for improving the criminal justice planning and budgetary process for programs using LEAA and Model Cities Program funds. The meeting--the first of its kind in New Mexico--brought together city, county, State, and Federal officials, who decided that reducing property crime should be the highest priority in the metropolitan area.

The team also helped establish the regional criminal justice planning unit for the Albuquerque metropolitan area. Community criminal justice officials said the team had provided technical and research assistance which improved their planning and management capabilities. Thus, in spite of the other problems the team experienced, it helped improve the locality's systemwide criminal justice planning.

The Norfolk team undertook numerous technical assistance projects to assist not only the four participating cities, but also State and regional criminal justice planning units. The team helped Norfolk and Chesapeake develop applications which resulted in LEAA funding of two major projects--the High Incident Target Program and the Family Crises Intervention Unit. The Norfolk city manager commented as follows about the team's technical assistance in an April 1973 letter to LEAA:

> "Our criminal justice planning has benefited from pilot city assistance in significant ways: identification of priority, the agencies projecting necessary projects over the next five years, more sophisticated development applications from state block grant funds, and development of sound juvenile projects amounting to $190,769 in discretionary funds to date."

The processes that these and the other pilot city teams used to provide technical assistance are important for providing LEAA, and thus the Nation, with program benefits. Factors apparently affecting a team's ability to help improve a locality's criminal justice planning process are the competence of the team, the interest of local officials in change, the organization of the local government, and the general political stability of the area. These are factors that LEAA considered to be criteria for selecting the pilot cities. (See pp. 31 to 32.)

Several of the pilot city directors criticized us for not focusing more on the processes the teams used to effect positive changes in their communities. The primary purpose of our work was not to assess the process by which the localities benefited from the Pilot Cities Program, but to determine whether it was worth continuing as a national effort. The processes through which all eight teams established themselves in the communities, gained the criminal justice agencies' cooperation, and then began research and developed projects occurred early in the program. Each team's periodic reports on its activities documented this to some extent.

We believe the appropriate question is whether there is a need to continue the pilot cities effort to learn more about the change process. Has the experience of the teams to date been sufficient to learn useful lessons? Several pilot city directors apparently believed so. One believed the program had produced considerable information on useful methods and knowledge for developing and evaluating criminal justice improvements. Another said LEAA's current national evaluation of the Pilot Cities Program (see ch. 5) should provide useful information about these processes. We also believe the teams' experiences have been sufficient for LEAA's informational needs.

DISSEMINATION OF RESULTS

Without a well-developed plan for systematically publicizing pilot city results, other communities may not benefit from the program. LEAA's National Institute was responsible for developing an adequate dissemination strategy. However, it failed to do so.

Initially the National Institute's Center for Demonstrations and Professional Services was responsible for transferring research findings to criminal justice agencies at various levels of government and the community at large. However, the National Institute's newly created Technology Transfer Division assumed this responsibility when LEAA reorganized in 1971. Neither group disseminated any pilot cities information. According to its director, the Technology Transfer Division expects to begin disseminating information on the pilot cities in the middle of 1975, after the national Pilot Cities Program has been evaluated. The director hoped the evaluation would identify "something worth disseminating."

Neither organization specified the type of information the teams should submit to LEAA for further dissemination. The Technology Transfer Division did not, for example, require the teams to:

--Describe the research methodology used to identify problems.

--Disclose recurring and nonrecurring project costs, total costs, or changes in the cost of immediate and peripheral activities affected by the project.

--Relate how they effected changes.

--Show how the project was evaluated and give the evaluation results.

--Provide the names of project personnel to contact for assistance in starting a similar project elsewhere.

--Describe weaknesses in the project so others could benefit by the teams' experiences.

The Santa Clara director stated that "cookbooks filled with good projects" mailed to law enforcement officials will not work. Thus Santa Clara's dissemination philosophy has involved more than just demonstrating a project to show its validity. According to the director, effective dissemination can be achieved only by

> "* * * training people to carry out the process. It requires sizing up where the client is, then working with him, showing him, supporting him, opening doors for him, helping him learn how to structure a problem; how to select an alternative."

The team has tried to follow this approach in dealing with other criminal justice communities in California and with other States.

The teams had to develop their own criteria for transmitting information to LEAA. As a result, there has been little consistency as to the type of information LEAA has received. All the teams, however, on their own initiative, have distributed their research reports to other teams, LEAA regional offices, State planning agencies, and other agencies who request the information.

For example, the Norfolk team developed a "Police Juvenile Handbook" as a guide for uniformed patrol officers to follow when dealing with juveniles. The handbook received a favorable response and led the team to pursue broader dissemination. LEAA, however, did not attempt to disseminate the handbook. Consequently, the Norfolk team printed about 2,000 copies and mailed them to numerous criminal justice agencies throughout the country. All pilot cities tried to at least disseminate information on their activities to other pilot cities. However, although the type of dissemination discussed above is worthwhile, the process leaves too much to chance.

The teams have done a reasonable job in disseminating their information, given the resources available to them. For the program to have had a significant national impact, however, LEAA should have been much more active in developing a dissemination strategy. Its failure to do so brings into question the seriousness of its commitment to obtaining national benefits from the program.

CHAPTER 5

LEAA'S CONTRACT FOR EVALUATING THE PILOT CITIES PROGRAM

In November 1973 LEAA's National Institute awarded a contract for about $309,000 to the American Institutes for Research to evaluate the Pilot Cities Program. The evaluation, estimated to take about 18 months, was initiated because LEAA's Office of Inspection and Review found that no evaluation had previously been developed.

The evaluation's objectives were to

--monitor program progress,

--measure program effects, and

--increase understanding of change processes.

The contractor was given two tasks. One was a qualitative evaluation of the direction taken by each team, the relationships between the teams and the communities' criminal justice agencies, and the improvements of such agencies' operations as a result of the teams' efforts. The other task was a quantitative evaluation of the effectiveness of pilot-related projects and the adequacy of existing data collection schemes and an assessment of possible additional data requirements and feasible collection approaches.

The objective of studying the teams' efforts in terms of understanding the change process is worthwhile. Our findings indicated that many of the teams experienced considerable instability and that this had affected their ability to establish good relationships with the community, complete adequate research, and develop meaningful demonstration projects. Although we question whether there is enough data available to allow comparisons of various teams' strategies for effecting change, we believe the cumulative experience of the teams is sufficient to develop useful information.

However, the need to fully carry out other aspects of the evaluation may be questionable.

The contractor is to assess the existing data collection scheme and suggest more data requirements and feasible collection approaches. But, as noted on pages 35 to 37, LEAA provided inadequate guidance on the type of data the teams were to collect and the way it was to be collected. There is no standard against which to compare teams' data collection activities. Moreover, it may not be reasonable to expect the teams to collect additional data on the contractor's recommendation because the evaluation will not be complete until the program is almost over.

Another purpose of the evaluation is to monitor program progress, assist LEAA's regional offices in monitoring the program, and give the pilot city teams feedback on their programs and those of other pilot cities. However, this objective may be difficult to realize because the evaluation and the program will end at about the same time.

The evaluation plan may also have difficulty addressing the program's impact on reducing crime. As stated in LEAA's January 1973 Pilot City Guidelines, one goal of the program is:

> "To demonstrate the ability of an interdisciplinary team * * * to work with an operating criminal justice system and within a period of five years to contribute significantly to the improved ability of that system to reduce crime and delinquency and improve the quality of justice." (Underscoring supplied.)

The evaluation plan, however, states that

> "There are serious impediments to answering this question. [The extent to which the pilot cities program helped reduce crime.] * * * Such data is simply not available for the pilot cities."

The evaluation will not, therefore, try to answer the question. Thus, in the final analysis, no specific basis will exist for measuring whether this goal has been achieved. Although not much can be done to solve this problem, the evaluation's inability to relate the program's effort to the crime rate will make it more difficult to convince other

communities that teams of experts can, through better research and planning, effect improvements in the criminal justice system.

In summary, we believe there are important reasons to continue the evaluation. But, in view of the planned termination of the program, it may be possible to cut back on certain parts of the evaluation, such as program monitoring and assessing existing and alternative data collection schemes. We discussed this possibility with LEAA officials who said they would consider it.

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CHAPTER 6

CONCLUSIONS AND AGENCY ACTIONS

CONCLUSIONS

The Pilot Cities Program has not been as successful as it could have been, primarily because of problems LEAA experienced in developing and managing the program. This, however, does not negate the fact that, individually, the communities participating in the program benefited from it. They received LEAA funds for projects they probably could not have otherwise implemented. They received the benefit of research and technical assistance that would not have otherwise been obtained.

But, from a national standpoint, we do not believe the cumulative experience of the eight teams, either in terms of the innovativeness of the research undertaken or the demonstration projects implemented, has been very successful in accomplishing the program's goal of developing efforts with national applicability. For example, many of the projects were similar to those implemented by other localities and States with LEAA block grant funds. Perhaps it was unreasonable to expect the cities to be able to do otherwise, but this fact brings into question the need to continue a test effort in which each team receives $20,000 a month in operating expenses and each locality $500,000 a year in funds to implement projects.

Another possible benefit to the Nation is the knowledge gained from examining the processes the teams used to try to effect changes. Lessons applicable to other areas can be learned from evaluating such efforts. That is what LEAA's evaluation is supposed to do. We do not believe it is necessary to continue the program further to gain such knowledge. We believe the most feasible approach is for LEAA to insure that its evaluation examines those processes so lessons learned can be used to improve the States' planning for the allocation of LEAA block grant funds.

Some of the pilot city directors were very critical of our efforts. They charged that we took too narrow a view of the program's purpose and did not emphasize enough

the benefits that the local communities received. From their perspective these benefits are significant, but from a national perspective we question whether that should be the primary concern.

In commenting on our conclusion that the program should be phased out, one of the directors said:

> "If discontinuation is the only prescription for programs about which it is 'discovered', for example, that consistent objectives weren't agreed upon before implementation, that different grantees interpreted the program differently, that participating organizations experienced instability, that operations reflected the personality and ideas of their directors, that there were no guidelines providing clear answers, and that regional offices vacillated in their approach, there will be few survivors."

Some of the problems enumerated above should not be grounds for discontinuing all types of programs, especially those of fairly long-term duration. But when such problems significantly affect the efforts of programs of limited duration designed to serve as examples of how to solve nationwide problems, we believe such a prescription is valid. Too frequently governments, at all levels, have been unwilling to admit that such efforts have failed, to stop them, and to try a different approach.

When resources are plentiful such an unwillingness to admit mistakes does not have a great impact. But when resources are scarce, when we do not know all the reasons why problems (such as the crime problem) exist, we believe the Federal Government must spend its moneys in the most effective ways possible to try to find the answers.

Because of our findings regarding the Pilot Cities Program, we met with LEAA headquarters officials on June 5, 1974, to discuss the problems we found--including the limited achievement of the program's goals and the desirability of terminating the program by June 30, 1975. LEAA generally agreed with our observations and suggestion that steps be taken to terminate the program by that date.

AGENCY ACTIONS

LEAA agreed to implement the substance of our suggestions by reviewing the actions of each pilot city team and determining how and when each effort should be phased out and the extent to which worthwhile projects might be continued with other funds. (See app. II.) LEAA said that, in some cases, it could not meet the exact timetable we suggested for phasing out the program.

On the basis of the detailed comments received from some pilot city teams, we believe LEAA has taken the correct approach in phasing out the program. There are apparently some worthwhile projects that should be continued. LEAA is phasing out their pilot city funding in a way that enables them to be adequately financed with other LEAA or with State funds--even though some of them might continue receiving pilot city funds past June 30, 1975.

Some teams also provided us additional extensive comments on our report. We have considered them as they applied to the specific sections of the report and have recognized them, where appropriate, throughout the report. We are not including them because of their length.

PROJECTS FUNDED WITH LEAA PILOT CITIES FUNDS
AS OF DECEMBER 1, 1973

	Objective	Amount
Santa Clara:		
Center for Urban Analysis	To create within the local government a center to provide criminal justice agencies with baseline data and information on crime problems.	$160,880
Countywide "CAPER" System	To implement a countywide information system.	103,137
Santa Clara Pretrial Release Program	To provide timely data to pretrial release decisionmakers; to demonstrate that people released on well-founded decisions will less often fail to appear in court or commit a criminal act than people released on bail.	78,507
San Jose Police Program Planning Project	To provide the police department with a program planning group for 1 year.	91,218
Jail Population Management Project	To install a data collection and analysis system to prevent jail overcrowding.	37,293
Custody Classification Preprocessing Center	To sort out persons who do not require pretrial detention by providing for district attorney evaluation of the charge before booking.	297,913

	Objective	Amount
Methadone Treatment and Rehabilitation Program	To reduce heroin addiction by establishing clinics throughout the county.	$204,863
Methadone Treatment and Rehabilitation Program	Continuation of the above project.	195,363
Alcoholism, Detoxification and Rehabilitation Planning Center	To divert from the criminal justice system persons arrested for drunkenness.	143,469
Dayton:		
Police Reorientation Survey	To determine how to decentralize the police department and reorient it to community needs.	45,000
Comprehensive Delinquent Youth Program	To implement a juvenile information system.	156,690
Design of a Concept of Information Retrieval for Crime and Law Enforcement	To design an information system.	210,000
Dayton/Montgomery County Criminal Justice Center	To establish an interdisciplinary training institute for the criminal justice agencies in the Dayton/Montgomery County area.	350,000

	Objective	Amount
Crime Analysis Team	To measure unreported crime levels, to develop mechanisms for community involvement, to support the rational selection of enforcement priorities, and to serve as means for crime pattern recognition.	$ 83,310
Task Force on Target Hardening	To establish task forces to reduce crime by promoting security through public education, insurance coverage, and financial aid for purchasing security devices.	125,000
Youth Service Bureaus	To mobilize community resources in a coordinated attack on juvenile delinquency and to develop two Youth Service Bureaus.	216,018
Comprehensive Drug and Alcohol Rehabilitation Program	To provide a full range of addiction services and provide for central administration of these services.	375,000
Diagnostic and Treatment Center for Dayton Human Rehabilitation Center	To reduce recidivism by providing professional diagnostic and corrective services.	110,000
Personal Crisis Intervention	To intervene in a family crisis and provide followup treatment.	90,000

	Objective	Amount
Charlotte:		
Mecklenburg County Criminal Justice Information System	To design and implement a court-oriented defendant-in-process system.	$500,000
Mecklenburg County Criminal Information and Retrieval Study	To define the information requirements of the courts and to determine the best method for information transmission among the courts and related agencies.	27,112
Comprehensive Drug Abuse Prevention Program	To reduce the factors that cause an individual to have a habit of abusing drugs and reduce the supply of illicit drugs. Not designed to solve the drug problem, but to test the effectiveness of proposed projects and the validity of the assumptions upon which these projects were based.	287,742
Mecklenburg Youth Services Bureaus	To establish a Youth Resources Agency consisting of a director and five counselors. To provide an alternative to enable the juvenile to be diverted from the court and to allow him to remain in his community.	82,954
Mecklenburg Youth Services Bureaus	Continuation of the above project.	68,906

	Objective	Amount
Community-Based Reception, Diagnostic, and Satellite Mental Health Center	To establish a presentence psychiatric and psychological examination unit at the community level.	$106,761
Albuquerque:		
Criminal Justice Agency Management Analysis	To conduct a management analysis of criminal justice agencies in Albuquerque and Bernalillo County.	43,938
Survey of Regional Criminalistic Laboratory	To gather data that will be used to implement a crime lab project planned by the State of New Mexico.	27,596
Team Policing Study	To study various forms of team policing.	22,971
Criminal Division Administration and Records Improvement	To support a continuing data collection effort to evaluate the Albuquerque Property Crime Reduction Program.	31,713
Metropolitan Narcotics Enforcement Unit	To support a full-time five-man narcotics squad.	65,710
Property Crime Prosecution	To hire two additional assistant district attorneys to handle the increased workload generated by the Property Crime Reduction Program.	25,150

	Objective	Amount
Property Crime Reduction Program, Bernalillo Sheriff's Department	To add two new warrant officers to the police force, eliminating the requirement for patrol officers to serve warrants, and to create a Criminal Intelligence Unit in the Sheriff's Department.	$ 70,639
Race and Cultural Relations Training	To provide police officers with training in race and cultural relations.	12,174
Job-Related Spanish Course	To develop a self-instructional Spanish course for Albuquerque's policemen.	46,100
Police Salary Incentive Plan for Education Achievement	To increase the education level of the members of the police department.	9,500
Psychological Consultation Program	To provide psychological training for police officers.	27,600
Property Crime Reduction Program, Albuquerque Police Department	To establish an operations-oriented crime analysis and planning unit.	183,527
Reduction of Youth-Related Property Crime	To establish a counseling team for juveniles aimed at early identification of and intervention in regard to youths with a high crime potential.	99,889

	Objective	Amount
Centro Legal	To establish a law office with law students for the benefit of low-income Mexican-Americans.	$ 25,500
Norfolk:		
Juvenile Justice Services	To develop a basic automated juvenile data processing system. To create a Diagnostic and Evaluation Team for juveniles in Norfolk.	190,769
Juvenile Based Transaction Statistics Information System	To establish a juvenile information system in Chesapeake.	107,250
Juvenile Based Transaction Statistics Information System	To establish a juvenile information system in Portsmouth.	76,100
Juvenile Based Transaction Statistics Information System	To establish a juvenile information system in Virginia Beach.	73,074
Youth Services Unit, Chesapeake Police Department	To establish a Youth Services Unit in the Chesapeake Police Department.	165,416
Chesapeake Police Minority Recruitment and Manpower Development Project	To increase the number of nonwhite officers in the Chesapeake Police Department.	43,313

	Objective	Amount
Police Planning and Analysis Office	To establish a Planning and Analysis Unit within the Norfolk Police Department.	$108,267
Portsmouth Police Planning and Analysis Unit	To establish a Planning and Analysis Unit within the Portsmouth Police Department.	53,373
Volunteer Program for the Portsmouth Juvenile and Domestic Relations Court	To augment the Portsmouth probation services with volunteers from the community.	18,727
Norfolk Juvenile Pre-Adjudication Non-Institutional Outreach Detention Project	To demonstrate the practicality of returning alleged juvenile offenders who would otherwise be detained in a secure facility before trial to their own or a substitute home under the supervision of an outreach detention worker. To eliminate overcrowding at the Norfolk detention home.	36,754
Virginia Beach Juvenile Status Offender Diversion and Treatment Program	To establish a family crisis counseling unit in Virginia Beach that would divert many status offenders from the juvenile court.	152,565
Portsmouth Juvenile Court Specialized Services--Behavior Modification Program	To decrease delinquent behavior of juveniles through behavior modification.	91,422

	Objective	Amount
Omaha:		
Community Based Resources for Criminalistics Examination	To establish local scientific laboratory services for the police department by using available community services and by adding a criminalist to the police department.	$ 78,687
Resource-Investigative Need of the Public Defender's Office	To develop an alternative to incarceration for offenders to reduce crime. To develop ways for active participation by organized labor in the recruitment, employment, and adjustment of offenders.	121,821
Des Moines:		
Comparative Legal Defense Services	To compare public defender services with court-assigned counsel services and with privately retained counsel.	94,914
Model for Lay Administrator Utilization in Medium-Sized Prosecutors' Offices	To analyze and evaluate the functions of the county prosecutor's office. To introduce improved management and administrative techniques. To develop a planning and evaluation capability in the office.	57,080

	Objective	Amount
Follow-up Study of State Training Schools	To collect data to use in a followup evaluation of youths committed to Iowa's two State training schools.	$ 38,820
Iowa Runaway Service	To reduce juvenile court referrals for runaways by offering an alternative for law enforcement agencies other than juvenile court and detention in jail.	67,225
Rochester:		
System for Management Information Research and Control	To establish an information system for the courts and related agencies.	314,094
Police and Citizens--Together Against Crime	To assess the benefits to law enforcement, social control, and police-community relations of incorporating civilians into "para-police" roles.	282,417
Monroe County Family Court Probation Project	To reorganize the Family Court Probation Department from a nongeographical case assignment system to a geographical system. To establish trained probation teams.	113,068

	Objective	Amount
Rehabilitative Intervention Program for Sentenced Prisoners	To establish a service team which will identify and treat problems which impair the social functioning of an offender.	$61,454
Probation Employment and Guidance Program	To help unemployed and underemployed adult probationers to obtain better employment.	57,633

APPENDIX II

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the
Division Indicated
and Refer to Initials and Number

NOV 18 1974

Mr. Victor L. Lowe
Director
General Government Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the GAO draft report titled "The Pilot Cities Program: Inadequate Federal Management Limits National Benefits" (B-171019).

[55]

As indicated on page 70 of the draft report, the Law Enforcement Assistance Administration (LEAA) has agreed to implement the substance of the GAO recommendations regarding the phaseout of the Pilot Cities Program. In doing so, however, the exact timetable as set forth by GAO in the report may not be able to be met in all cities. We would also like to point out that we are not in total agreement with some aspects of the report findings, but our views are being withheld because of our decision to fully implement the recommendations. [See GAO note]

The following actions have been taken to date with respect to the recommendations:

1. All Pilot City Directors and LEAA Regional Offices have been advised of LEAA's decision to phaseout the Pilot Cities Program.

2. LEAA officials have met with four cities to discuss specific phaseout actions. Meetings with other Pilot City officials will be scheduled in the near future.

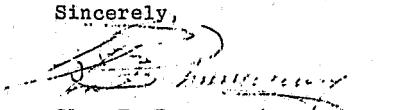
GAO note: The number in brackets refers to the final report.

3. A memorandum outlining the results of the meetings with Pilot City officials and providing specific recommendations for phaseout implementation is being prepared as a basis for administrative review and subsequent action.

The recommendation that LEAA "reevaluate the scope of its national evaluation in light of GAO's findings" will be accomplished. However, since its inception, the national evaluation of the Pilot Cities Program has been structured to make a sound and objective examination of the program and to extract from it knowledge which is potentially most useful to LEAA in the design of future programs and strategies. Any significant curtailment of the contract at this time entails the very serious risk of wasting the resources that have already been put into the program.

We appreciate the opportunity to comment on the draft report.

Sincerely,



Glen E. Pommerening
Assistant Attorney General
for Administration

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APPENDIX III

PRINCIPAL OFFICIALS OF THE DEPARTMENT OF JUSTICE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
ATTORNEY GENERAL:		
William B. Saxbe	Jan. 1974	Present
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Richard W. Velde	Sept.1974	Present
Donald E. Santarelli	Apr. 1973	Aug. 1974
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970

APPENDIX B-6

HOW FEDERAL EFFORTS TO COORDINATE PROGRAMS TO MITIGATE JUVENILE DELINQUENCY PROVED INEFFECTIVE, APRIL 21, 1975

REPORT TO THE CONGRESS

How Federal Efforts To Coordinate Programs To Mitigate Juvenile Delinquency Proved Ineffective

Department of Justice

Department of Health, Education, and Welfare

BY THE COMPTROLLER GENERAL OF THE UNITED STATES

GGD-75-76

APRIL 21, 1975

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-168530

To the President of the Senate and the
Speaker of the House of Representatives

This report discusses the ineffectiveness of Federal attempts to coordinate juvenile delinquency programs.

We made our review pursuant to the Budget and Accounting Act, 1921 (31 U.S.C. 53), and the Accounting and Auditing Act of 1950 (31 U.S.C. 67).

Copies of this report are being sent to the Director, Office of Management and Budget; the Attorney General; the Secretary of Health, Education, and Welfare; and the Administrator, Law Enforcement Assistance Administration.

Comptroller General
of the United States

Contents

ABBREVIATIONS

GAO	General Accounting Office
HEW	Department of Health, Education, and Welfare
HUD	Department of Housing and Urban Development
LEAA	Law Enforcement Assistance Administration
OMB	Office of Management and Budget

COMPTROLLER GENERAL'S
REPORT TO THE CONGRESS

HOW FEDERAL EFFORTS TO COORDINATE PROGRAMS TO MITIGATE JUVENILE DELINQUENCY PROVED INEFFECTIVE

Department of Justice
Department of Health, Education, and Welfare

D I G E S T

WHY THE REVIEW WAS MADE

GAO made this review to find out what the Federal Government has done to coordinate the many programs--Federal, State, and local--which could affect the prevention and control of juvenile delinquency in the United States.

FINDINGS AND CONCLUSIONS

Juvenile delinquency must be reduced if crime is to be prevented or curbed.

--Total arrests of juveniles under age 18 rose 144 percent between 1960 and 1973 compared to a 17 percent increase in arrests for those 18 and over.

--Juveniles in 1973 accounted for 51 percent of all arrests for property crimes, 23 percent for violent crimes, and 45 percent of arrests for serious crimes.

In September 1974 the Juvenile Justice and Delinquency Prevention Act became law; it is designed to improve the Federal Government's attempts to combat juvenile delinquency.

Before the law, no adequate national program had been developed to focus resources to prevent and control juvenile delinquency in the United States.

No Federal agency had

--identified significant causes of juvenile delinquency,

--determined what resources were available for combating juvenile crime,

--developed a strategy to address the causes, or

--informed pertinent agencies' officials of Federal efforts to do something about the problem.

The Federal Government apparently relied on the myriad of antipoverty and social welfare programs to make a significant impact on the problem.

To account for the present situation, a summary of recent events is necessary. The most significant Federal acts, with amendments, dealing with the juvenile deinquency problem were:

1961 - The Juvenile Delinquency and Youth Offenses Control Act.

1968 - The Juvenile Delinquency Prevention and Control Act.

1968 - The Omnibus Crime Control and Safe Streets Act.

The responsibility for acting on juvenile delinquency rested chiefly with the Department of Health, Education, and Welfare (HEW). In 1968 the Law Enforcement Assistance Administration of the Department of Justice also received some responsibilities. The Departments of Labor and Housing and Urban Development and the Office of Economic Opportunity also operated programs that affected the problem. (See pp. 3 to 10.)

Coordination problems

Coordination among these and other appropriate Federal agencies was difficult because they had no standard definition for selecting specific Federal programs for preventing juvenile delinquency or rehabilitating such delinquents.

In 1971 the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs--composed of 10 departments and agencies--was created by the Congress. It developed a definition, but it was too broad to be workable. It defined a juvenile as anyone between 1 day and 24 years of age.

The Council also was ineffective. It effected no major Federal legislative or program decisions because it (1) had to rely on funds and staff provided by its member agencies and (2) lacked clear authority to coordinate their activities. (See pp. 22 to 26.)

Many officials of the Federal agency programs that the Council had identified as affecting juvenile delinquency were unaware that their programs had such a potential. (See pp. 13 and 14.)

Previous estimates of Federal Government expenditures for juvenile delinquency may not be accurate because of the absence of a workable definition of a juvenile delinquency program.

Congressional legislative committees observed that HEW had failed to adequately coordinate Federal efforts because of inadequate administration of the Juvenile Delinquency Prevention Control Act of 1968 and that it requested from fiscal years 1968 to 1971 only $49.2 million of an authorized $150 million to administer the act.

A major administrative problem resulted from the 1968 acts' overlapping roles for HEW and the Law Enforcement Assistance Administration.

HEW was to help the States prepare and implement comprehensive State juvenile delinquency plans. At the same time, the Law Enforcement Assistance Administration was to make block grants to the States to address all criminal

justice problems, including juvenile delinquency.

With more funds available, the Law Enforcement Assistance Administration became dominant in criminal justice planning. It spent about $70 million for juvenile delinquency programs in fiscal year 1971 compared with $8.5 million spent by HEW for that year.

To facilitate coordination, the Secretary of HEW and the Attorney General agreed in 1971 (1) that HEW would concentrate on prevention efforts before a person entered the juvenile justice system and (2) that the Law Enforcement Assistance Administration would focus on efforts once a person was in the juvenile justice system. (See pp. 20 to 22.)

In 1972 Federal regional councils were established in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments.

However, the Federal regional councils generally were not very involved in juvenile delinquency projects, according to an official of the Office of Management and Budget, because of inadequate leadership from Washington. (See pp. 26 to 30.)

State and local coordination efforts

GAO's review of the efforts of Colorado and Massachusetts and their largest cities--Denver and Boston--showed that coordination problems in juvenile delinquency in States and cities were similar to those in the Federal Government.

Neither State had a single agency or organization coordinating the planning and operation of all programs that could affect juvenile delinquency. Neither had a comprehensive strategy to prevent or control juvenile delinquency.

The State and local situation has resulted in part from the Federal Government's fragmented approach to the juvenile delinquency problem. To seek funds, State and local agencies had to respond to the specific Federal categorical grant programs, each with its own objectives, requirements, and restrictions. As a result, State and local agencies had little incentive to coordinate their activities. (See ch. 5.)

1974 legislation--an impetus for improvements

The Juvenile Justice and Delinquency Prevention Act of 1974, if properly implemented, should help prevent and control juvenile delinquency.

The law

--creates an Office of Juvenile Justice and Delinquency Prevention in the Law Enforcement Assistance Administration;

--provides increased visibility to the problem and a focal point for Federal juvenile delinquency activities;

--improves existing Federal agency coordination and reporting requirements; and

--requires States to make a single agency responsible for planning juvenile delinquency efforts to be funded with Federal moneys. (See pp. 51 to 53.)

RECOMMENDATIONS OR SUGGESTIONS

The 1974 act gives executive agencies a sufficient framework to improve their coordination of juvenile delinquency efforts. Since the act was enacted only shortly after GAO completed its review, it was too early to determine how the agencies were implementing it and, on the basis of such an assessment, to recommend to appropriate officials ways to improve implementation.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Departments of Justice and HEW; Office of Management and Budget; and appropriate Colorado and Massachusetts State and local agencies generally agreed with GAO's findings and conclusions. (See ch. 8.)

The Department of Justice recognized its responsibilities, under the 1974 act, to define Federal juvenile delinquency programs and better coordinate their activities but noted two conditions which may impede its efforts. It has interpreted "New Federalism" to mean that it cannot impose substantial guidelines and definitions, other than those required by law, upon State and local operating agencies, but tries to encourage movement in that direction by using funding incentives and training. The Department also noted that its efforts will be affected by the aggressiveness with which the Office of Management and Budget actively encourages coordinated planning through its funding and oversight responsibilities. The Department also outlined actions it had already taken to implement the 1974 act. (See app. I.)

HEW officials expressed concern, based on their previous experiences, about the ability of the Law Enforcement Assistance Administration to effectively carry out its legislative mandates under the 1974 act unless there is a commitment at the highest levels of the Federal Government to the effort. (See p. 59.)

MATTERS FOR CONSIDERATION BY THE CONGRESS

When it passed the 1974 act, the Congress clearly expressed its intent to exercise oversight over implementation and administration of the act. Among the issues the Congress should consider in carrying out its oversight are:

--The extent to which the Law Enforcement Assistance Administration is implementing two basic parts of the act--developing comprehensive State juvenile delinquency plans and a national juvenile delinquency strategy--in a timely manner.

--The extent to which the Law Enforcement Assistance Administration is able to effectively implement certain provisions of section 204 of the act, such as(b)(2), (4), and (f), which basically give the Administration authority to coordinate and direct certain juvenile delinquency efforts of other Federal agencies.

--Whether the executive branch will request and allocate funds to adequately implement the act. (See pp. 54 to 57.)

CHAPTER 1

INTRODUCTION

In proportion to their numbers in the national population, young people are the largest contributors to the crime problem. Reported criminal involvement of young people, as measured by police arrests, is increasing. In 1973, youths under 18 (juveniles) accounted for 51 percent of the total arrests for property crimes, such as burglary and auto theft; 23 percent of violent crimes, such as murder, rape, and robbery; and 45 percent of arrests for all serious crimes. Total arrests of juveniles rose 144 percent between 1960 and 1973; at the same time total arrests for those aged 18 and over rose only 17 percent.

During this same period, violent crimes by juveniles increased 247 percent compared with 109 percent for adults, while property crimes increased 105 percent compared with 99 percent for adults. Total juvenile arrests during the 1960s increased almost 7 times more than total adult arrests, and juvenile arrests for violent crimes increased 2-1/2 times more than adult arrests.

Unreported crime compounds the problem. Studies reveal that perhaps 90 percent of all young people have committed at least one act for which they could have been brought to juvenile court. Also, the estimated national cost of crime by juveniles is about $16 billion annually--an increase of about 300 percent since 1968.

An estimated 1 million juveniles enter the juvenile justice system each year. Although 50 percent are informally handled by juvenile court intake staffs and released, 40 percent are formally adjudicated and placed on probation or other supervisory release. Ten percent, or approximately 100,000 young people, are incarcerated in juvenile institutions. Recidivism among juveniles is more severe than among adults; estimates vary from 60 to 85 percent for juveniles compared with 40 to 70 percent for adults.

An entire range of "juvenile status offenses," which includes ungovernability, truancy, and running away, also subjects youth to the juvenile court process. If adults committed these offenses, they would incur no legal consequences. At least half of the youth currently in juvenile institutions are estimated to have been incarcerated for committing status offenses.

The severity of the national problem was reflected at the local level in Denver and Boston--the two localities we reviewed. In Denver, 12,946 juveniles were arrested in 1973. This represented an 82-percent increase over 1967 figures. Nonjuvenile arrests increased 62 percent over the same time period. A survey indicated that as much as 73 percent of the respondents between 10 and 18 had engaged in acts for which they would have been arrested if a policeman had been present. If these results are extended to all Denver youth, delinquency is not only increasing--it is permeating the juvenile population.

Boston had 3,786 juvenile arrests in 1973, a 67 percent increase over 1967. Comparative data was not available on adult arrests for the 2 years. Included in the total were 221 arrests for robbery, 499 for breaking and entering, 281 for assault, 943 for larceny, 9 for rape, 23 for prostitution, 823 for auto theft and related offenses, and 6 for homicide.

CHAPTER 2

DEVELOPMENT OF FEDERAL JUVENILE DELINQUENCY EFFORTS

The first Federal effort to combat juvenile delinquency--the establishment of the Children's Bureau in 1912--resulted from a growing awareness of the problem in the first decades of the 20th century.

During the 1940s other Federal agencies became involved. Federal activities were still relatively few, however, until the late 1950s, but they increased greatly in the 1960s. The rate of juvenile crime doubled between 1950 and 1960.

MAJOR LEGISLATIVE DEVELOPMENTS

Before passing the Juvenile Justice and Delinquency Prevention Act of 1974 (see ch. 6), the Congress addressed the juvenile delinquency problem through several acts, including the Juvenile Delinquency and Youth Offenses Control Act of 1961 (Public Law 87-274), which gave the Secretary of Health, Education, and Welfare (HEW) responsibility for providing categorical grants to communities, institutions, and agencies to plan and initiate innovative demonstration and training programs. Emphasizing prevention as well as control, these programs included subsidized work training for out-of-school, out-of-work youth; school programs for the disadvantaged; university-based training programs; and community-based correctional programs.

The act was extended in 1964 and 1965. As it became clear that the Office of Economic Opportunity was developing a program which used similar concepts, most of the demonstrations were transferred to its antipoverty program. Appropriations under the act during fiscal years 1961-67 were $47 million.

Because of the continued increase in crime and delinquency, resources for juvenile delinquency programs were increased in 1968 through the enactment of (1) the Juvenile Delinquency Prevention and Control Act of 1968 (42 U.S.C. 3811), administered by the Secretary of HEW, and (2) the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3701), which established the Law Enforcement Assistance Administration (LEAA) in the Department of Justice.

Juvenile Delinquency Prevention and Control Act of 1968

Under this act, HEW was to provide assistance for a wide range of preventive and rehabilitative services to delinquent and predelinquent youth, with emphasis on new kinds of community-based programs. The legislation was intended to be administered as part of an integrated network of antipoverty, antislum, and youth programs which were to coordinate all Federal juvenile delinquency efforts and provide national leadership in developing new approaches to the problems of juvenile crime.

Omnibus Crime Control and Safe Streets Act of 1968

This act authorized LEAA to administer a block grant-in-aid program to provide financial and technical assistance to States and local units of government to improve and strengthen law enforcement. LEAA originally viewed its role in juvenile delinquency prevention and control as a limited one because the act did not specify the extent to which it was to address the problem and because of HEW's involvement in the area. Although juvenile delinquency was not specifically mentioned, "law enforcement" was defined in LEAA's act to include "all activities pertaining to crime prevention or reduction and enforcement of the criminal law."

The 1971 amendments to the 1968 act specified that LEAA focus greater attention on juvenile delinquency by redefining law enforcement to include "programs relating to the prevention, control, or reduction of juvenile delinquency * * *." They also authorized funding for the "development and operation of community-based delinquent prevention and correctional programs * * * and community service centers for the guidance and supervision of potential repeat youthful offenders."

The amendments also added a new part to the act which pertained to correctional improvements. To qualify for funds, a State must file a comprehensive plan which, among other things

> "provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation, and other supervisory release programs for preadjudication and postadjudication referral of delinquents, youthful offenders, and first offenders, and community-oriented programs for the supervision of parolees * * *."

The Crime Control Act of 1973 (42 U.S.C. 3701), required LEAA to place even greater emphasis on juvenile delinquency. For the first time, the enabling legislation of LEAA specifically referred to juvenile delinquency in its statement of purpose. It also required for the first time that each State include a juvenile delinquency component in its comprehensive State plan as a condition for receiving LEAA funds.

result of the 1973 act and congressional concern, LEAA ac erated its national juvenile delinquency effort. Near the beginning of 1974, LEAA established a Juvenile Justice Division within its Office of National Priority Programs to develop new and innovative programs. Juvenile justice and delinquency prevention is now one of LEAA's four top national priorities. Also, LEAA created a Juvenile Delinquency Division within its National Institute of Law Enforcement and Criminal Justice to expand the level of delinquency research and sharpen the focus on delinquency prevention.

FEDERAL PROGRAMS APPARENTLY AFFECTING JUVENILE DELINQUENCY

The major direct Federal efforts to prevent and control juvenile delinquency are concentrated in HEW's Office of Youth Development and in LEAA as a result of specific mandates. However, other Federal agencies apparently are involved. In 1971 the Congress gave all Federal coordinating responsibilities to the Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs. (See p. 22.) In its fiscal year 1973 annual report, the Council identified 11 Federal agencies, including the Office of Youth Development and LEAA, that administered 116 programs which it believed directly or indirectly related to juvenile delinquency or youth development.

Our review concentrated on the activities and programs of the five Federal agencies the Council identified as being most directly involved--the (1) Office of Economic Opportunity, (2) Department of Labor, (3) Department of Housing and Urban Development (HUD), (4) HEW, and (5) Department of Justice. A description follows of the nature of these agencies' involvement in the juvenile delinquency and youth development area primarily as provided by them to the Council.

Indirect efforts

Office of Economic Opportunity

The Office's overall mission is to reduce poverty; youth development is secondary. In 1964 neighborhood

community action agencies were established to administer grants for social programs. Later, youth development programs were established to operate in communities through the agencies. In addition, the Office established neighborhood legal centers which provided legal services to low-income people, including juveniles.1/

Department of Labor

The Department of Labor provides counseling, on-the-job training, vocational training, job placement, and supportive services to youth to increase their employability. The Department funds two programs specifically designed to provide employment assistance to youth--the Neighborhood Youth Corps and Job Corps. Both programs deal with youths aged 14 to 22. The Neighborhood Youth Corps offers paid work experience to enable youths to remain in school, to return to school, or to improve their employability. The Job Corps trains young people to become more responsible, employable, and productive citizens. Its primary emphasis is on preparing for work, acquiring skills, and moving into meaningful jobs.

In December 1973 the Comprehensive Employment and Training Act was passed. This act placed additional emphasis on youth by authorizing funds to provide services to special manpower target groups, including youth and youthful offenders.

HUD

Although HUD has not been legislatively mandated any specific juvenile delinquency and youth development role, the enabling legislation of one of its major programs at the time of our review specifically referred to delinquency. Model Cities, a program of Federal financial and technical assistance, is designed to enable local government units to attack the social, economic, and physical problems of decaying urban neighborhoods. Through a locally developed and implemented plan, available efforts and resources are to be coordinated and concentrated into a comprehensive program to demonstrate methods for improving urban life. One of the program's statutory goals is "to reduce the incidence of crime and delinquency."

1/On January 4, 1975, Public Law 93-644 extended the community action program under the administration of the Community Services Administration, the successor to the Office. It also authorized specific programs for low-income youth. A separate legal services corporation assumed the legal programs mentioned above.

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There are 147 units of local government in 45 States that determine the amount of HUD funds that will be allocated to preventing, treating, or controlling juvenile delinquency under their respective programs. The kinds of projects assisted vary according to each city's locally determined needs and include youth service bureaus, group foster homes, police juvenile aid bureaus, teen centers, and public defenders for juveniles.

After our review, the Model Cities legislation expired and the Housing and Community Development Act of 1974 was passed. Communities currently involved in a Model Cities program will be funded through completion of their fifth action year, after which time the funding will be phased out. The new act may be placing less emphasis on juvenile delinquency than did the previous legislation. The new law's statement of purpose does not specifically mention delinquency. In describing the program activities eligible for assistance, the act limits the amount of HUD funds that may be used for public services and facilities, including those concerned with crime prevention, child care, health, drug abuse, education, welfare, and recreation needs. These services may be provided only when not available under other Federal laws or programs.

HEW

HEW is the primary Federal agency whose programs are directed to predelinquent youth. The programs generally involve home, school, recreational, and employment aspects of youth development. Some provide special services to youths, including personal counseling, psychiatric and medical assistance, drug treatment, or referral to other social agencies equipped to provide such services. Also, programs of income maintenance, rehabilitation, and medical and social services are provided through State agencies to the aged and aging, children and youth, needy families, and the disabled.

Within HEW, the Office of Education; the Alcohol, Drug Abuse, and Mental Health Administration; the Social and Rehabilitation Service; and the Office of Youth Development carry out these activities. The Office of Youth Development is the only agency specifically mandated to prevent juvenile delinquency.

Office of Education

The bulk of the Office of Education's funds are directed toward improving the Nation's public school systems. However, the Elementary and Secondary Education Act of 1965 includes provisions aimed directly or indirectly at reducing the

dropout rate. If it is assumed that some of the dropouts and potential dropouts may become delinquents, vocational education is providing opportunities for those youth in school and those out of school to come back to school, take short courses in concentrated areas of study, and leave school better prepared for immediate employment. State and local correctional institutions also receive grants for education as part of a total rehabilitation program for delinquent or neglected children and youth.

Alcohol, Drug Abuse, and Mental Health Administration

This Administration conducts programs which affect youth and delinquency in varying degrees and include the study of alcohol and drug problems linked to juvenile crime. The National Institute of Mental Health, through its Center for Studies of Crime and Delinquency, is the agency specifically involved with juvenile delinquency. Its program is concerned with preventing, controlling, and treating deviant behavior which may be defined either as mental illness or as violations of the criminal law. It recognizes that delinquent and criminal behaviors stem from interaction of biological, psychological, socioeconomic, and other factors. Whether or not a particular pattern of behavior is considered deviant, delinquent, or criminal depends on societal norms, reactions, and an administrative judgment.

Major Institute activities relating to juvenile delinquency are carried out through its support of research and training grants, research fellowships, and community mental health centers. Its research is designed to improve the understanding of the biological, psychological, and social forces that affect behavior. It is also concerned with improving treatment strategies, particularly community-based approaches, for juvenile delinquency and crime problems. The Institute also supports the development and evaluation of educational models aimed at training a variety of personnel dealing with youth and delinquency problems.

Direct efforts

Office of Youth Development

HEW's Office of Youth Development administers the Juvenile Delinquency Prevention and Control Act as amended in August 1972. The Office of Youth Development was created April 1, 1973, as part of the Office of the Assistant Secretary for Human Development and incorporated the former Youth Development and Delinquency Prevention Administration from the

Social and Rehabilitation Service which had been established to administer the 1968 act, as well as two other HEW offices.

The Office of Youth Development has created what it calls a national strategy for youth development that focuses on social institutions rather than on persons. This differs from most treatment-oriented approaches to delinquency prevention.

National strategy

Very generally, the strategy suggests that negative consequences result when youth do not feel good about their own accomplishments and that youth often feel unsuccessful because they have been labeled as losers--people who do not and cannot do things well. Such labeling occurs in the home, school, and community. These labels tend to persist through a variety of settings and affect youth's actual ability to achieve.

As a result of negative labeling and the problems with finding roles in which they find a sense of accomplishment and pride, youth are often estranged and alienated from the mainstream of American life and frequently begin to experiment with activities that lead them further away from healthy, law-abiding lifestyles. Because of this, the national strategy for youth development focuses on preventive efforts earlier in the causal chain than do traditional person-centered treatment programs; that is, it deemphasizes the remedial treatment of persons who have been negatively affected by institutions and stresses the need to change institutional structures and practices identified with such effects.

The design, however, is not to eliminate person-centered treatment. Such treatment and institutional change are parts of a whole, and any serious attempt to change deviancy rates requires an understanding of this concept. The national strategy for youth development recognizes the institutional impact on the creation of deviance and attempts to rectify any imbalances occurring in programs dealing with delinquency prevention. The national strategy has identified (1) limitation or denial of access to acceptable social roles, (2) premature, negative, or inappropriate labeling, and (3) social alienation as variables contributing to delinquent behavior.

To implement the national strategy, the Office of Youth Development is providing categorical grants to State and local grantees to develop coordinated youth-service systems. These systems may consist of a central coordinator and a network of local youth-serving agencies. The coordinator may also provide services. A system's main function is to coordinate and integrate (when appropriate) diverse, autonomous youth-service

agencies. About 100 youth-service systems are now in various phases of development.

The Office generally relies on existing community youth services. According to its Commissioner, the Office "seeks to enhance the capacity of the local community to more effectively support the favorable development of all youth through the interrelated vehicles of coordination and institutional change." The focus is on youth-serving agencies and personnel rather than on the individual youth in need of assistance. A coordinated youth-service system requires the active participation, support, and power of individuals in public and private agencies at the State, county, and local levels. The system, in the final analysis, will provide the services that will better meet the needs of individual youth.

Department of Justice

LEAA, as previously mentioned, is the principal Department of Justice agency that deals with juvenile delinquency. Its enabling legislation provides for State criminal justice planning agencies to manage the block grant funds provided the States. Each State planning agency must develop, with advice from local or regional planning units, a State plan indicating how it will try to prevent or reduce crime, including juvenile delinquency.

After LEAA reviews and approves the State plan, it awards the State a block grant to implement it. The amount of funds received is based on population. LEAA can also award certain funds, at its discretion, directly to governmental units or nonprofit organizations to promote national issues.

LEAA-funded projects can be categorized as prevention, diversion, rehabilitation, upgrading resources, drug abuse, and Impact Cities programs. The prevention projects center around community involvement with youth and youth programs and can include community centers, counseling services, crisis intervention centers, education, and public relations activities. Diversion projects include mental health centers, alternative educational systems, temporary foster homes, youth service bureaus, and tutoring services. Rehabilitation projects include residential centers, probation and parole programs, community detention programs, and community-based counseling services.

Emphasis of Federal funding
of juvenile delinquency activities

The Senate Committee on Labor and Public Welfare in 1968 and the President's Commission on Law Enforcement and

Administration of Justice in 1967 have concluded that one of the keys to controlling U.S. crime is to prevent juvenile crime. In developing the 1972 amendments to the Juvenile Delinquency Prevention and Control Act of 1968, the Congress recognized that youth in danger of becoming delinquent must be prevented from coming in contact with the juvenile justice system. The 1971 amendments to the Safe Streets Act specifically included juvenile delinquency prevention programing as an action grant area. However, most Federal funds mandated for juvenile delinquency were spent in areas other than prevention.

LEAA and the Office of Youth Development are the leading Federal agencies whose funds are specifically committed to juvenile delinquency. In fiscal year 1973 the Office obligated about $10 million to prevent juvenile delinquency. It has focused its efforts on youth who are in danger of becoming delinquent.

Of the $669.4 million LEAA awarded to the States for fiscal year 1972, LEAA estimated that about $136 million was allocated for juvenile delinquency as follows:

	(millions)
Rehabilitation	$ 40.8
Upgrading resources	32.9
Prevention	21.0
Drug abuse	17.7
Diversion	15.7
Impact Cities programs	8.0
Total	$136.1

As indicated above, rehabilitation projects took the largest share of LEAA's juvenile delinquency funds. These primarily treat and serve youth within the juvenile justice system in institutions and community-based programs.

A fiscal year 1971 study by LEAA found that the types of programs States were funding at that time could be divided into programs (1) within the juvenile justice system, (2) targeted solely for juvenile delinquents and/or potential delinquents, (3) servicing referrals from the juvenile justice system, among others, and (4) seeking to prevent delinquency by attacking the known characteristics of juvenile delinquents. Another LEAA study indicated that approximately 75 percent of the juvenile programs were exclusively devoted to youths within the juvenile justice system. In general, LEAA's prevention projects may be termed recidivism prevention; that is, they aim at preventing further delinquency by reducing recidivism.

LEAA's emphasis appears to be changing. According to the Director of its Division of Juvenile Delinquency, LEAA is attempting to reduce the role of the criminal justice system while strengthening that of service delivery systems. Recently LEAA indicated in a proposed position paper on juvenile delinquency that it is concerned with children and youth who have had no contact with the criminal justice system and will

> "* * * take an active role in developing methods and systems designed to help all children and youth achieve their positive potential as the way to reduce the likelihood of their future involvement in the criminal justice system."

The Federal Government has made some specific efforts to combat juvenile delinquency. Numerous programs administered by a variety of Federal agencies may be affecting the prevention and control of juvenile delinquency; however, not all of these programs may be significantly affecting the problem.

CHAPTER 3

DIFFICULTIES IN DETERMINING SPECIFIC FEDERAL IMPACT OF JUVENILE DELINQUENCY ACTIVITIES

The extent of Federal impact on juvenile delinquency is difficult to precisely determine because, for the most part, Federal programs which might have had a positive effect have not been administered with that specific intent. Because officials have not been aware of their programs' relationships in this area, no effective strategy has been developed and implemented to coordinate Federal efforts.

LACK OF AWARENESS

The Juvenile Delinquency Prevention and Control Act of 1968, as amended, required all Federal juvenile delinquency programs to be coordinated, but it did not define the term "juvenile delinquency program." No Federal executive agency had developed a definition or criteria to be used to select and designate particular Federal programs as juvenile delinquency programs.

The Interdepartmental Council, through information compiled under contract with the Bureau of the Census, developed a directory of Federal juvenile delinquency and youth development programs, but its definition was so broad that it included all of the possible resources that could conceivably be brought to bear on the problem. In effect, its philosophy was that prevention begins at preschool age. It defined "juvenile" as persons between 1 day and 24 years of age.

In developing the directory of programs, the Council grouped similar youth programs from different agencies to identify all of the programs which covered a particular need and to point out overlaps and gaps. The programs have been put into such categories as general youth improvement, high-risk youth, and delinquent youth. Apparently, all of the programs can affect youth in some way and at various stages of their lives, but their significance to juvenile delinquency, if any, is not known. Little has been done to determine the programs' impact, significance, or relationship to any aspect of the juvenile delinquency problem; to develop any action plans; and to notify the administrators at all levels of government of the action.

Using the directory as a guide, we asked appropriate Federal officials about their programs' relationship to juvenile delinquency. Most were not aware of the directory of programs. They believed that most of the listed programs and/or their programs did not significantly affect juvenile delinquency. Some could not see any relationship.

Many Federal officials we talked to did not administer their programs with intent of affecting the juvenile delinquency problem, unless the programs were specifically established for that purpose. Many of the five agencies' officials were unaware of what their programs' roles in preventing or controlling juvenile delinquency could or should be. For example, Office of Education officials considered their personnel and programs to be youth development related for educational improvement. They told us that, except for the Program for Neglected and Delinquent Children in State-Operated or Supported Institutions, no Office of Education programs were designed or administered specifically to affect or reduce juvenile delinquency. Officials stated, however, that the results of programs could indirectly affect juvenile delinquency prevention by, for example, reducing school dropouts.

Social and Rehabilitation Service officials said their programs are not intended to deal specifically with youth development or with juvenile delinquency but that they could be considered to prevent delinquency or rehabilitate delinquents. This, however, would be an indirect benefit.

The Associate Regional Health Director for Mental Health in the Alcohol, Drug Abuse, and Mental Health Administration in Denver estimated that, although about 25 percent of the staff's time was related to youth activities, this effort was not specifically intended to affect juvenile delinquency. Administration officials said all mental health centers should help prevent delinquency, but they are not aware of the extent or type of effect their programs have on the problem.

A HUD headquarters official believed that none of HUD's programs involved any direct efforts or activities to prevent or control juvenile delinquency, although youth development and criminal justice are a necessary component of HUD's assigned goal of helping upgrade urban life. In contrast, a Boston HUD official believed that the Model Cities program significantly affected the juvenile delinquency problem.

We believe that all government officials should be more aware of their role in the remediation of juvenile delinquency. Strategies should be developed to provide guidance and resources to State and local governments.

LACK OF UNIFORM DEFINITIONS

In implementing programs or projects, generally no attempts were made to classify how a project or program affected juvenile delinquency; that is, whether it focused on prevention, rehabilitation, or diversion. Except in LEAA and the Office of Youth Development, these terms had little impact on Federal officials' decisions in managing programs related to juvenile delinquency. LEAA regional-office officials did not use these terms as a management tool in approving State plans, although LEAA provided this type of information at the national level.

All levels of government lacked uniform definitions for such terms as juvenile, juvenile delinquent, prevention, and diversion. Some agencies had formalized definitions, and some had no definitions at all.

Although the ultimate goal in preventing and controlling juvenile delinquency is to insure that youth's needs are adequately provided for, the availability of generally accepted definitions might help agencies provide services more effectively because program administrators would be more aware of whom they are trying to reach and of their program goals. It would also be useful in developing informational systems so that activities pertaining to juveniles could be uniformly reported.

POSSIBLE OVERSTATEMENT OF FEDERAL INVOLVEMENT

Ostensibly, a considerable amount of Federal funds is available for youth development and/or juvenile delinquency programs. The Interdepartmental Council has estimated that as much as $12 billion has been spent on youth development or juvenile delinquency. However, most of this appears to be only tangentially related to delinquency.

There are programs in the Interdepartmental Council's directory that can be considered juvenile delinquency related only by using the very broadest interpretation. For instance, the Office of Education in HEW administered a program to assist low-income and physically handicapped students with academic potential to initiate, continue, or resume their postsecondary education. Because of its definition of "juvenile," this and some of the other programs in the directory affect older youth rather than those normally considered as juveniles. In Denver, HEW's Office of Education in fiscal year 1973 funded 26 programs considered by the Interdepartmental Council to be related to youth and delinquency prevention. Funds for these programs went to 21 separate grantees, 13 of which were either business schools, colleges,

universities, or parochial seminaries. The age of students at these schools was 18 and above, which is beyond the general statutory age of 17 for juveniles. Therefore, these 13 programs appear to have no significant relationship to the prevention and control of juvenile delinquency.

Another indication of the Federal Government's impact on juvenile delinquency is the number of juveniles actually being served by a federally funded program. A nationally defined juvenile delinquency program must be determined to be actually affecting local youth. Many of the programs that could be considered as juvenile delinquency programs at the national level may not exclusively or significantly deal with juveniles. Statistics on the number of juveniles served may not be available.

For example, in fiscal year 1973, the Alcohol, Drug Abuse, and Mental Health Administration provided funds to seven grantees under three Denver mental health programs which the Interdepartmental Council considered to be related to youth development and delinquency prevention. The Director of the Division of Mental Health, Colorado Department of Institutions, said mental health services and Federal funds for services are not generally available unless a youth has been arrested or adjudicated as a delinquent. Information on the number of youth actually treated by the Denver mental health centers was not available.

We contacted five of the seven grantees to determine how their programs were related to youth development or juvenile delinquency. The grants provided services to persons aged 1 day to 85 years. The grantees did not know the extent to which the programs were related to juvenile delinquency prevention, and some grantees did not believe the programs had any relationship to it.

Officials at two major hospitals in Denver said they could not determine the number of youth served or whether the mental health programs had direct or indirect impacts on preventing or controlling juvenile delinquency. A spokesman for another hospital told us that the program he was operating, funded by the Alcohol, Drug Abuse, and Mental Health Administration, had no relationship to youth development or juvenile delinquency prevention.

EVALUATION

Little is known about (1) which Federal programs affect juvenile delinquency and (2) the impact and its extent. As indicated previously, many Federal administrators do not see their programs' roles in juvenile delinquency. As a result,

they neither administer their programs with the intent to affect specific aspects of the juvenile delinquency problem nor generally emphasize juveniles.

Except at LEAA and the Office of Youth Development, Federal officials in the regional offices said their headquarters offices had not given them any guidance or direction indicating their programs' relationship to juvenile delinquency. Although their programs could have had impacts, the officials were not aware of the extent and type.

The agencies generally did not evaluate their programs to determine their effects on preventing and controlling juvenile delinquency. If those whose programs dealt mainly with youth evaluated their programs at all, they did not do so in terms of their effectiveness and impact on the problem. Other agencies whose programs were geared to the general population usually did not determine the impact on youth or delinquency.

The Boston and Denver LEAA regional offices did not evaluate juvenile delinquency projects but required the State planning agencies to do so. Although Boston officials made an occasional financial audit, they said they did not have the resources to evaluate their projects. Although the State planning agencies evaluated juvenile delinquency projects, the LEAA Chief of Operations said that the evaluations needed improvement. In Denver, final reports on juvenile delinquency projects from the State planning agencies had not been completed and received.

One official said that, in general, evaluation of all Social and Rehabilitation Service programs is weak. Programs are not evaluated to determine whether they affect juvenile delinquency. He said HEW has never evaluated one program designed to develop preventive or protective services which will prevent the neglect, abuse, exploitation, or delinquency of children. However, we are reviewing the program.

The Interdepartmental Council, through its Evaluation Task Force, contracted with the Bureau of the Census to conduct a comprehensive governmentwide study to describe selected Federal juvenile delinquency and youth development programs and evaluations of them. The study was conducted on fiscal year 1971 program and project information.

Although the study did not assess the quality of program evaluations, the results indicated that they varied in quality and quantity from program to program and from agency to agency. The Census staff noted that the approaches of only a few of the 148 evaluations submitted by the agencies were objective

and scientific. The study indicated that the overall program evaluation effort for Federal juvenile delinquency and youth development programs was substantial; however, there was little interagency coordination and participation in evaluation efforts. The study showed that, compared with other Federal agencies' evaluations, LEAA's tended to focus more on programs aimed at incarcerated offenders and at delinquent youth.

The National Council on Crime and Delinquency noted in 1972 hearings before the Senate Judiciary Subcommittee to Investigate Juvenile Delinquency that, although millions of dollars from LEAA have been spent to reduce crime and delinquency, no more was known in 1972 than in 1969 about what were the most effective crime reduction programs. The Council's Research Center estimated that an adequate research and evaluation design would represent, at most, 14 percent of the cost of any program. The Census study indicated that the cost of Federal-level program evaluation is typically less than 1 percent of the total program funding.

In discussing the evaluation of juvenile delinquency prevention programs, a report of the Task Force on Juvenile Delinquency of the President's Commission on Law Enforcement and Administration of Justice points out that a serious need exists for research on both individuals and society--including the family, school, labor market, recreation, courts, and corrections. Potentially hundreds of kinds of programs can be suggested, and hundreds have been operated to prevent delinquent behavior. The overwhelming need is to find out how well they work. Only by evaluating their outcomes, comparing their effectiveness, discarding those that do not work, and giving greater support to the successes, can society begin to make real inroads on the problem.

The report adds that, in measuring the effectiveness of a prevention program, the issues confronting evaluation are not really technical but center on the

--resistance to evaluation by program practitioners and supporters;

--limitation of evaluation to the specific current features of the program, thus making generalizations to other contexts difficult;

--choice of indicators that mark program success;

--piecemeal, relatively haphazard way evaluation has been conducted; and

--conclusions of sound studies being ignored.

Decisions about the future of programs are affected by organizational self-protection, ideological fashion, practitioner defensiveness, and a host of other factors unrelated to program outcomes.

Although we did not evaluate any of the programs or projects of the five agencies reviewed, we recently issued a report on "Difficulties of Assessing Results of Law Enforcement Assistance Administration Projects to Reduce Crime" (B-171019, Mar. 19, 1974). Two of the four types of LEAA projects we reviewed--youth service bureaus and group homes for juveniles--pertained to juveniles. Common difficulties involved in trying to assess the impact of the four types of projects were:

--No standards or criteria for success rates had been established.

--Similar projects did not maintain adequate and comparable data.

--Project evaluations used different techniques and different information sources and had different scopes. Moreover, most evaluations did not present data on project effectiveness and, for those that did, the evaluators had no nationally acceptable standards or criteria to use in evaluating project achievement.

Without comparable data, adequate standards and criteria cannot be developed and objective decisions cannot be made. Our report made recommendations for improving LEAA's evaluation efforts.

In its multiagency study, the Census staff encountered similar difficulties in identifying the universe of Federal involvement in juvenile delinquency and youth development programs and projects and the extent to which they had been evaluated. They found that Federal departments and agencies had virtually no standardized collection of information on juvenile delinquency and youth development projects. They encountered differing policies on the location of program and project information. A wide variety of formats--ranging from computer printouts and worksheets to State plans, project files, and grant books--was used to record data. Even when the same data was collected, different definitions were often used. In short, they concluded that anyone seeking standard information on juvenile delinquency or youth development programs and projects throughout the Federal Government faces a virtually insurmountable problem.

CHAPTER 4

FEDERAL ATTEMPTS TO COORDINATE JUVENILE DELINQUENCY ACTIVITIES

A national strategy has not been developed to focus the Nation's resources in a concerted effort to prevent and control juvenile delinquency. Officials administering many health, education, social, welfare, and employment programs generally are not aware that their programs may affect juvenile delinquency, either alone or in conjunction with other programs.

No Federal agency has identified the most significant causes of juvenile delinquency, determined the resources available for combating them, developed a plan to implement a strategy to address one or more aspects, or informed the pertinent agencies' officials of efforts to make an impact on the problem. Any accomplishments thus far have been made in isolation and not as part of an ongoing national strategy to prevent and control the problem.

Other than the efforts of LEAA and some HEW agencies, few identifiable attempts are being made to address the problem directly. The Federal Government's major strategy to prevent juvenile delinquency apparently has been to rely on the myriad of antipoverty and social welfare programs to hopefully make a significant impact.

The Juvenile Justice and Delinquency Prevention Act of 1974 should make it easier to address these issues because it assigned the responsibility for all Federal efforts to a new Office of Juvenile Justice and Delinquency Prevention in LEAA. The Office's objective is to achieve a coordinated and integrated Federal, State, and local juvenile delinquency prevention and control program. (See pp. 51 to 53.)

EARLIER COORDINATION EFFORTS

As early as 1948, the Federal Government attempted to coordinate its juvenile delinquency programs, but these efforts met with apparently little success. In that year, the Interdepartmental Committee on Children and Youth was created to coordinate Federal agencies engaged in youth programs. In 1961 the President's Committee on Juvenile Delinquency and Youth Crime was established and charged with coordinating the Federal antidelinquency effort and recommending innovative policies, programs, and legislation. However, it failed to provide the impetus for coordinated planning and funding of Federal programs.

The Juvenile Delinquency Prevention and Control Act of 1968 made the Secretary of HEW responsible for coordinating all Federal activities in juvenile delinquency, youth development, and related fields and for providing national leadership in developing new approaches to juvenile crime problems. However, the Secretary did not adequately fulfill his responsibilities. The HEW annual report released in March 1971 concluded that there was

> "* * * little coherent national planning or established priority structure among major programs dealing with the problems of youth development and delinquency prevention * * *. The present array of programs demonstrates the lack of priorities, emphasis, and direction in the Federal Government's efforts to combat delinquency."

In commenting on HEW's administration during consideration of the 1971 amendments to the 1968 act, House and Senate committees noted that reasons for this failure included (1) HEW's failure to request more than small proportions of the amounts authorized by the Congress and (2) inadequate administration. In fiscal year 1970, for example, $50 million was authorized; however, only $15 million was requested and only $10 million appropriated. In fiscal year 1971, $75 million was authorized, $15 million requested, $15 million appropriated, and about $8.5 million spent. In contrast, LEAA spent about $70 million for juvenile delinquency in fiscal year 1971. From 1968 to 1971 HEW requested only $49.2 million of a total authorized $150 million. Except for that spent on State comprehensive juvenile delinquency planning, the funds were spread throughout the country in a series of underfunded, and generally unrelated, projects.

One of the major problems in administering the 1968 act was confusion of the roles of HEW and LEAA in juvenile delinquency because the scope of their two acts overlapped somewhat. Under the 1968 act, HEW was to assist States in preparing and implementing comprehensive State juvenile delinquency plans. At the same time, the Safe Streets Act authorized LEAA to make block grants to the States to address all criminal justice problems, including juvenile delinquency. With its vastly larger resources, LEAA soon became dominant in criminal justice planning.

In 1971 the Secretary of HEW and the Attorney General redefined their roles. They agreed that each State should develop a single comprehensive criminal justice plan which would comply with the statutory requirements of both acts. HEW was to concentrate its efforts on prevention and rehabilitation programs administered outside the traditional juvenile

correctional system, while LEAA was to focus its efforts on programs within the system.

In 1971 the Congress agreed to extend for 1 year the Juvenile Delinquency Prevention and Control Act of 1968 to allow HEW to (1) refocus its program by funding preventive programs principally for youths who had not entered the juvenile justice system, (2) improve its administration of the act, including eliminating the maze of conditions required of applicants for funds, and (3) coordinate its overall efforts. The Congress found that HEW was not providing the national direction and leadership intended by the legislation. To facilitate coordination of all Federal juvenile delinquency programs, the legislation authorized the establishment of an interdepartmental council.

In 1972 the Juvenile Delinquency Prevention and Control Act of 1968, as amended, was extended until June 30, 1974. The new role of HEW's program was to fund preventive programs, involving schools, in local communities which showed the greatest need for assistance. HEW was to develop coordinated youth services systems, whose administration the Congress was to review in assessing HEW's role in juvenile delinquency.

About this time the Federal regional concept was also established to decentralize programs and program administration and also provide a mechanism for coordination among Federal departments at the regional level with national goals and policies to be set in Washington with State and local input.

THE INTERDEPARTMENTAL COUNCIL

The Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs was established in July 1971 by amendment to the 1968 Juvenile Delinquency Prevention and Control Act. Membership on the Council, as designated by the President, included representatives from the Departments of HEW, Justice, Labor, HUD, Interior, Transportation, Agriculture; the Office of Economic Opportunity; the Special Action Office for Drug Abuse Prevention; and the Office of Management and Budget.

In addition, representatives from District of Columbia City Council, Veterans Administration, ACTION, the White House, National Institute of Mental Health, Office of Child Development, Department of Defense, and the Bureau of Prisons were invited to be ex-officio members. The President designated the Attorney General as Chairman of the Council. The Attorney General in turn named the LEAA Administrator as Chairman-Designate.

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As outlined at its first meeting, the Council's goals were to (1) coordinate all Federal juvenile delinquency programs at all levels of government and (2) search for answers that would immediately affect the prevention and reduction of juvenile delinquency and youth crime. To date, the Council has not met its mandate to coordinate all Federal juvenile delinquency programs.

Council accomplishments

Except during fiscal year 1972, the first year of its operation, the Council accomplished little other than developing and submitting its annual report to the Congress. In fiscal year 1972, the Council met 12 times, during which it:

--Conducted a juvenile delinquency training session for its members.

--Developed proposed national policy objectives.

--Contracted with the Bureau of Census to identify the universe of Federal juvenile delinquency and youth development programs and the evaluations conducted on them.

--Aided the Youth Development and Delinquency Prevention Administration, which was to coordinate interagency efforts in LEAA's Impact Cities program by (1) providing leadership in developing a youth component in the program by assisting in the planning of LEAA's portion of the community system in the rehabilitation of youthful offenders, (2) coordinating existing and planned Council member agency-funded programs in each city, including both juvenile delinquency and youth development programs, and (3) identifying program gaps in each community system and developing and implementing strategies to fill the gaps.

--Contracted for (1) a study of the management of Federal juvenile delinquency programs and (2) the development of a directory of all major Federal programs.

--Studied existing coordinating mechanisms that might be used to coordinate the planning, funding, evaluation, and technical assistance functions of all Federal juvenile delinquency efforts.

--Held public hearings on its proposed national policy objectives and coordination mechanisms and strategies.

During fiscal year 1973, the Council failed to fulfill its mandate of meeting at least six times annually; it met only on September 18, 1972, and May 29, 1973. No program activity occurred during that year. The Council did little until January 1974, when LEAA initiated efforts to revitalize it. From February through June 1974, the Council convened six times to fulfill the required meetings for fiscal year 1974. Generally, these meetings focused on the Council's revitalization, but the 1974 act preempted most of these efforts.

Reasons for ineffectiveness

The lack of adequate funds and staff and the Council's uncertainty about its authority to coordinate Federal juvenile delinquency efforts impeded its coordination attempts.

Funding

The Interdepartmental Council had to rely on resources provided by its member agencies. During its first year of operation, the Council members agreed to the following.

--The five agencies with major involvement in juvenile delinquency (LEAA, Youth Development and Delinquency Prevention Administration, the Department of Labor, HUD, and the Office of Economic Opportunity) would set aside $100,000 each for approved contracts or programs, and the three departments with less responsibility (Interior, Agriculture, and Transportation) would each set aside $50,000.

--LEAA would provide space, overhead and operating cost for the core staff, the staff director, legal counsel, and public information and other needed services.

The Council found it difficult to meet its financial responsibilities under this method of funding. Initial confusion concerned what each agency could or could not fund with its contribution to the Council.

Getting funds from member agencies for Council contracts proved to be a major undertaking. For example, the Census Bureau was not reimbursed for work it had done under contract until over a year beyond the due date. Eventually, LEAA had to pay for HUD's share ($18,000) of the contract cost.

Staffing

The members agreed that the Council's initial staffing by the five major agencies would consist of one professional person each, and the other three agencies would provide one secretary each. The Department of Justice provided a staff director and three line staff.

As it turned out, the member agencies generally did not appoint people with decisionmaking authority to the Council, which contributed to its failure in achieving its proposed programs. Several officials who worked on the Council stated that, because most of the designated Council members were midlevel executives, they could not speak for their agencies nor commit funds for Council activities.

The Council found it difficult to maintain the continuity of its Chairman, members, and staff. The Council Chairman has continuously been the LEAA Administrator, as designated by the Attorney General. Since inception of the Council in 1971, there have been 5 different Attorney Generals, and 8 of the 10 member agencies have changed their designated representatives from 1 to 3 times. After the first year of operation, the support staff donated by the member agencies dissipated. The agencies continuously resisted Council requests to furnish staff.

Lack of authority

The Juvenile Delinquency Prevention and Control Act of 1968, as amended, stated that the Interdepartmental Council's function was to coordinate all Federal juvenile delinquency programs and prepare an annual report on all Federal juvenile delinquency and youth development activities and related fields. But the act did not indicate what authority the Council was to have to coordinate the agencies' activities. Congressional intent was to have the Council meet regularly to review the various agencies' efforts in combating juvenile delinquency and make certain the overall Federal effort was coordinated and efficient.

After its first year of operation, the Council concluded that it had identified a number of major problems and policy issues which required White House guidance. In a February 7, 1973, memorandum to the White House, the Council sought guidance on:

--Proposed national policy objectives and specific agency objectives for both short- and long-term impacts on the juvenile crime problem.

--A proposed restructuring of the Council which would give it authority to implement the proposed objectives, insure the support of its constituent agencies, and provide it with permanent staff and funding support.

--The drafting of major juvenile delinquency legislation.

The White House did not act on this request for guidance.

FEDERAL REGIONAL COUNCILS

Another mechanism available to the Federal Government for coordination is the Federal regional councils, established in 1972 in the 10 standard regions to develop closer working relationships between Federal grantmaking agencies and State and local governments and to improve coordination of the categorical grant-in-aid system. Each Federal regional council was to be a body within which participating agencies, under general policy formulated by the Under Secretaries Group for Regional Operations, were to jointly conduct their grantmaking activities by:

--Developing short-term regional interagency strategies and mechanisms for program delivery.

--Developing integrated program and funding plans with Governors and local chief executives.

--Encouraging joint and complementary grant applications for related programs.

--Expediting resolution of interagency conflicts and coordination problems.

--Evaluating programs in which two or more member agencies participate.

--Developing long-term regional interagency and intergovernmental strategies for resource allocations to better respond to States' and local communities' needs.

--Supervising regional interagency program coordination mechanisms.

--Developing administrative procedures to facilitate day-to-day interagency and intergovernmental cooperation.

Each council is headed by a chairman designated by the President from among the regional heads of member agencies. A council chairman may invite the regional head or other appropriate representative of a nonmember agency to deliberate when the council considers matters significantly affecting the interests of that agency.

Representatives of the Office of Management and Budget serve as liaisons between it and the councils and participate in council deliberations. They are primarily responsible for carrying out the Office's role as general overseer and monitor of interagency and intergovernmental coordination efforts within the executive branch. They are also expected to support the council system and help make it more effective by assisting the chairmen and councils as necessary and by generally helping to expedite and facilitate solutions to interagency and intergovernmental problems.

The councils provide a structure, subject to improvements as noted in a previous GAO report (see p. 29), which should be considered as a possibility in coordinating juvenile delinquency efforts. However, they have not been used significantly in this area.

Low priority

According to Federal Regional Council System Guidelines, the councils are to formulate initiatives responsive to regional needs on the basis of analyses of regional problems and assessment of available resources. Individual agencies in Washington, D.C., may also initiate assignments, but they must first be reviewed and approved by the Under Secretaries Group. Each council is to prepare an annual workplan. During fiscal year 1974 a management-by-objective approach was introduced.

Neither of the two Federal regional councils we visited regarded juvenile delinquency as a high-priority area. The Boston council, which was chaired by LEAA's regional director at the time of our review, had undertaken only one activity relating to youth development and juvenile delinquency. In November 1973 it sponsored a 1-day seminar on juvenile delinquency prevention, treatment, and control. The seminar, with speakers from the Department of Labor, HUD, LEAA, and HEW, was to inform Massachusetts and regional criminal justice program planners of available federally funded programs. Council officials said that the seminar was not a formal

attempt to coordinate juvenile delinquency efforts. According to LEAA's Massachusetts representative, the seminar was held to make LEAA fund recipients aware of each other's activities to avoid duplication.

Council officials in Boston said they would not consider doing work in juvenile delinquency unless mandated by the Office of Management and Budget. However, at the close of our fieldwork, the representative of the Office of Economic Opportunity said he had been appointed head of a Federal regional council task force to coordinate Federal juvenile delinquency programs. The workplan had been revised and included a task to coordinate Federal juvenile delinquency efforts.

The Mountain Plains Federal Regional Council in Denver has also done little in youth development and juvenile delinquency. Its initial workplan for fiscal year 1973, submitted to the Office of Management and Budget in May 1972, provided for a Committee on Crime Control, Delinquency Prevention, and Offender Rehabilitation.

The committee was created on June 17, 1972, to assist the Mountain Plains council in developing policy and program recommendations aimed at improving State and local governments' capability to address the problems of crime control, delinquency prevention, and offender rehabilitation within their jurisdictions. The committee proposed developing an inventory of all federally funded programs concerning crime and delinquency. The committee was continued in the fiscal year 1974 workplan submitted to the Office of Management and Budget in May 1973 and retained the same objective. Additional planned tasks included:

--identifying problems with existing program delivery systems by evaluating the existing level of integration and coordination of complementary Federal programs and resources aimed at crime, delinquency, and offender rehabilitation and

--evaluating the compatibility and coordination between criminal justice and related program planning systems for crime and delinquency.

After review, the Office of Management and Budget requested the Mountain Plains council to revise the fiscal year 1974 workplan to conform to the management-by-objective format. The committee's activities were not included in the revision, and at the time of our review no committee was dealing with youth or delinquency matters. However, a committee on children and youth was then defining its objectives.

Members of the Committee on Crime Control, Delinquency Prevention, and Offender Rehabilitation told us that it was dissolved in December 1973 because the participants and the Mountain Plains council could not adequately define its role, concept, definitions, and common range of activities. Although the committee had made several proposals and recommendations to the Mountain Plains council, the only council crime and delinquency objective met was the preparation of the "Compendium of Federal Programs Relating to Crime Control, Delinquency Prevention, and Offender Rehabilitation." The Mountain Plains council had 500 copies of the compendium printed, but they were never distributed because many of the Federal categorical programs were being phased out and others were to be converted to special revenue sharing.

The other Federal regional councils also did not give juvenile delinquency a high priority. In March 1974 we asked Office of Management and Budget officials to review Federal regional council workplans and current management by objectives dealing with juvenile delinquency. The Deputy Associate Director for Field Activities replied that

> "* * * there has been minimal involvement by the Federal Regional Councils in juvenile delinquency projects * * * due to the inadequate Washington leadership, an absence of national goals and standards in the juvenile delinquency area, the overlap between HEW's Youth Development and Juvenile Delinquency Administration, the President's Council on Youth Development, the Domestic Council and finally the lack of leadership by LEAA at the Regional level."

In September 1972 the Under Secretaries Group approved an LEAA proposal to establish Public Safety Task Forces in each Federal regional council to coordinate the interagency aspects of the Impact program, Comprehensive Offender Program Effort, and juvenile delinquency programs. The task forces were to be comprised of the Office of Economic Opportunity, the Departments of Labor, HEW, and HUD, with LEAA acting as the lead agency. Other agencies would participate as appropriate. In commenting on this coordination effort, the Deputy Associate Director stated that, although juvenile delinquency was one of the three major programs, the task forces concentrated on the Impact program and the Comprehensive Offender Program Effort. He said that inadequate leadership and followup by LEAA at the Washington and regional levels prevented these programs from getting a good start.

In our "Assessment of Federal Regional Councils" report (B-178319, Jan. 31, 1974), which discussed the overall organi-

zation and activities of four Federal regional councils, we noted that improvements could be made to make them more effective. We reported that coordinating mechanisms the councils were implementing helped State and local governments to coordinate the administration of Federal grant-in-aid programs; however, these were experimental and reached only a limited number of potential recipients. We pointed out in the report that the councils were impeded from being more effective by such factors as

--member agencies' lack of or variations in decentralized decisionmaking authority,

--limits on the authority of council chairmen, and

--division of time and effort by council members, staffs, and task force members between council and agency affairs.

We recommended that the Under Secretaries Group improve the councils' effectiveness by being more assertive and providing definitive direction and firm support, including prescribing planning and reporting standards, providing for councils' participation in the planning stages of mandated projects, and assuming responsibility for determining the appropriateness of uniformly decentralizing grant programs of Federal agencies.

CHAPTER 5

STATE AND LOCAL JUVENILE DELINQUENCY ACTIVITIES

State and local circumstances were similar to those at the national level:

--Officials of agencies and organizations that had a mandate in the juvenile delinquency area or worked with delinquent or high-risk youth were most aware that their programs could help prevent and control juvenile delinquency.

--No single agency was responsible for implementing a comprehensive strategy to systematically approach the juvenile delinquency problem and coordinate the efforts of agencies serving youth.

--Very little evaluation had been done to determine the programs' impact on the problem.

This situation was due, in part, to the Federal Government's fragmented way of handling the problem. To help fund their activities, the State and local agencies had to respond to the Federal agencies' specific categorical grant programs, each of which had its own objectives, requirements, and restrictions. They could not look to one Federal agency to obtain information on funding and other Federal juvenile delinquency resources. Thus, the State and local agencies had little incentive to coordinate their activities.

Officials in Colorado and Massachusetts said they believed the Federal Government contributed to the fragmented approach to juvenile delinquency prevention and control. The Assistant Commissioner for Children's Services in the Massachusetts Department of Mental Health:

--Stated that the lack of a nationally accepted strategy for juvenile delinquency has contributed to fragmentation.

--Suggested that the Federal Government establish coordinating mechanisms at the Federal level for juvenile delinquency planning and funding and devise an overall strategy on how to approach the problem.

STATE LEVEL

As at the Federal level, Colorado's and Massachusetts' planning and coordination of juvenile delinquency and youth development activities were not centralized.

Lack of comprehensive, coordinated planning and programing

Preventing and controlling delinquency requires a joint effort of law enforcement and social, welfare, and other agencies. This would suggest the desirability of a formal coordinating mechanism to integrate, through planning, all of the relevant programing. Colorado and Massachusetts had little planning across functional lines of effort; health and welfare activities, for instance, were normally not planned and carried out in conjunction with law enforcement activities and vice versa. They need not be in all cases, but when programs of both types of agencies are supposed to affect similar problems, coordination is necessary, especially to prevent duplication.

Colorado

Colorado had four State agencies specifically responsible for addressing juvenile delinquency. HEW had approved and funded three of them, each of whose objectives included identifying and coordinating existing resources for youth and identifying youth's needs and gaps in the resources for those needs. The agencies were the Colorado Office of Youth Development; the Advocacy for Children and Youth, Colorado Coalition; and the Colorado Commission on Children and Youth. The fourth agency, the Colorado Criminal Justice State Planning Agency, received and distributed Federal funds from LEAA.

HEW provided the three agencies with $311,810 in 1973, as follows:

Office of Youth Development	$225,000
Colorado Coalition	64,590
Commission on Children and Youth	22,220
Total	$311,810

The Colorado Office of Youth Development was established as the organizational counterpart of HEW's Federal Office of Youth Development. Although the Office was to establish a State youth services system administrative mechanism and to support the development of a youth service system in Denver, the Federal Office directed it to concentrate its technical assistance effort in Denver. As a result, $160,000 of the $225,000 was allocated to Denver and about 80 percent of the Office staff's time was devoted to the Denver youth service system.

The Colorado Coalition was established in 1973 and, under a 1-year contract from the National Institute of Mental Health, was to develop a model child and youth advocacy system for monitoring and caring for the needs of children. The contract required the coalition to remain independent of State government, so it developed a statewide child and youth advocacy system by creating regional advocacy councils in 12 State regions. The director told us that, because the coalition is independent of State government, its activities are not coordinated with other State agencies which serve youth.

According to an official of the National Institute of Mental Health, the project will not be statewide as originally planned because, after work began, the coalition found that the job was too big to do on a State basis. However, the personnel training phase is expected to be conducted statewide, as originally planned.

Presently, the coalition reports to the Institute on one rural area, Delta County, and one urban area, the city and county of Denver. The reports contain basic social data, such as population by age group, educational data, community information on housing, and juvenile justice information. The coalition's reports also contain an inventory of needs and resources, including information on education, foster care, day care, homemaker services, runaways, drug abuse, vocational guidance, and the mentally retarded and emotionally disturbed.

A Governor's executive order in September 1971 created the Colorado Commission on Children and Youth as a result of the 1970 Colorado White House Conference on Children and Youth. It is to coordinate the efforts of Federal, State, and local agencies and private programs dealing with youth. Its major efforts have been in the mental health area. It has conducted mental health workshops at 21 localities to learn the needs of children and youth and has planned a statewide conference on teenage pregnancy and childbirth.

The Colorado Criminal Justice State Planning Agency is responsible for law enforcement planning throughout the State. It distributes LEAA funds to grantees according to a State plan. Under the 1974 State plan, the State planning agency will award $5,748,000 in block funds for specific projects. Of this amount $1,215,500, or approximately 21 percent, will be awarded to projects for combating juvenile delinquency. For fiscal year 1974, LEAA has allocated $618,000 to the agency to plan for activities to be funded with block grant funds.

The State planning agency had one full-time delinquency specialist on its staff but did not have any specific goals or strategies for juvenile delinquency. Its policy was to cover all areas of crime control equally. This coverage included, but did not emphasize, juvenile delinquency.

Other State agencies, whose programs might have had an impact on youth and delinquency, had developed State strategies for their functional areas. However, because they were not mandated or instructed to do so, they did not plan their activities with the intent to address any specific aspect of the problem. Any favorable impact on the problem was concomitant to the benefits derived from their operations.

For example, the Division of Occupational Education of the State Board for Community Colleges and Occupational Education is the single agency responsible for vocational education in Colorado and for developing a State plan for vocational education. The division does not have a strategy for preventing or reducing juvenile delinquency. The director told us that, although the programs--identified in the Interdepartmental Council's directory--for which he received Federal funds could affect juvenile delinquency, generally the effect was not known, since the programs have not been evaluated in those terms. Division officials were not aware of and therefore did not coordinate programs with any of the above-mentioned agencies.

Coordination of planning among the three HEW-funded organizations and the State planning agency has been minimal or nonexistent. The Office of Youth Development had made no input into the State planning agency's comprehensive State plans for the last 4 years, although meetings had been held from 1970 to 1973. The number of meetings, however, had decreased from 40 in 1972 to 4 in 1973. The Office was represented on the LEAA-funded Impact City Youth Development Task Force in Denver. However, the Director of the Office stated that a significant contribution was neither asked for nor made.

The Office's regional program director said that officials of the Denver Anti-Crime Council (see p. 41) initially were interested in reserving about $230,000 in planning funds to coordinate the Denver youth service system and the Impact Cities program. However, because of differing priorities, the Council withdrew the funds. The regional program director said that this was a good example of how Federal programs get locked into provincial postures to meet legislative or program guideline requirements.

He also said that, although the Office is to coordinate the activities of State youth-serving agencies, nothing tangible beyond the mutual attendance at meetings has occurred. The State agencies which he believes should be coordinated include the

--Department of Education,

--Department of Social Services,

--Department of Health,

--Board for Community Colleges and Occupational Education,

--The Division of Mental Health and Mental Retardation of the Department of Institutions,

--Colorado Commission on Children and Youth, and

--Advocacy for Children and Youth.

The director said the following reasons account for the lack of coordination between the Office and State youth-serving agencies:

--HEW has directed the Colorado Office of Youth Development to concentrate its efforts on the Denver Youth Service System.

--No Colorado statute, executive order, or State mandate sets forth the requirement for coordination, and no sanctions are available to hold State agencies accountable for not coordinating their activities with the youth service systems.

--The State legislature was considering reorganizing the State government.

The director told us that Federal coordination of programs is needed, as well as a logical extension of the coordinated youth service system concept at the State and local levels. He said that Federal funding practices contribute to coordination problems at the State level because:

--Some funds go directly from Washington to the State and other funds go to the Federal agencies' regional offices.

--Federal categorical grant programs are administered by function, such as health, education, welfare, and

criminal justice, and each program has separate policies, guidelines, and regulations.

--Federal programs create competition for talent at the State and local levels because of salary differentials among programs and differences in the amount of program funds.

--Federal programs have conflicting strategies. For example, the youth service system concept is attempting to coordinate existing services, while Impact Cities projects are creating new services which may duplicate those already available.

The Commission on Children and Youth had not been very effective since its inception because of uncertainties about its role, confusion over responsibilities in relationship to such other agencies as the Office of Youth Development and the Colorado Coalition, and its lack of authority within the State government. The commission has not coordinated its activities with other Colorado State agencies. The commission's functions are duplicated by the Office of Youth Development and the Colorado Coalition but much more so by the coalition because it has been active in the same areas as the commission.

Massachusetts

The lack of planning across functional lines was also evident in Massachusetts. Of the 10 agencies which provide services to youth, we contacted the Criminal Justice State Planning Agency; the Departments of Youth Services, Mental Health, Public Welfare, and Education; and the Office of Children.

As in Colorado, the State planning agency's function was to advise the Governor on all phases of adult and juvenile law enforcement and administer LEAA-funded activities through a State plan. For fiscal year 1974, LEAA allocated $1,277,000 to the agency to plan for activities to be funded with block grants. One of the agency's responsibilities was to prevent or reduce juvenile delinquency; it had two people responsible for planning in this area.

The State planning agency had developed juvenile delinquency goals which included support for the deinstitutionalization of services and the design of programs to provide youth with legitimate access to society. The agency's planning director stated that its local planning agencies are responsible for coordinating criminal justice planning,

including juvenile delinquency. Juvenile delinquency project proposals from local groups, if accepted at the State level, become part of the State plan. The agency's director stated the agency knows some of the needs of delinquent youth; however, additional research is needed. He said the agency has not received research funds to identify the causes of delinquency and the needs of delinquent youth.

The Department of Youth Services' mission was to prevent juvenile delinquency and provide rehabilitation in the form of supervised residential and nonresidential care to offenders between the ages of 7 and 17. Such youth were either referred or committed by the courts. The Department was also responsible for detaining youths awaiting court action.

The Department's recently appointed juvenile delinquency planner said he did not have sufficient time to plan because most of his time has been devoted to trying to secure LEAA grant money. The Department has, however, coordinated its planning and funding for some juvenile delinquency activities with the State planning agency and the Department of Mental Health. In fiscal year 1974 the State Planning Agency awarded $891,000 to the Department to help it reorganize. It also assigned the Department a juvenile delinquency planner whose chief duty was to help develop juvenile delinquency plans for community-based services.

Since the Department's mission is to prevent juvenile delinquency and rehabilitate offenders, these activities are the first priority. The State planning agency, on the other hand, is responsible for many crime prevention activities. Its juvenile delinquency planning specialist said that juvenile delinquency was considered the lowest priority within nine categories of assistance.

The executive director of the State planning agency stated that the lack of coordination prevents the problem from being effectively addressed because each agency looks at the problem differently. In addition to the delinquency grants of his agency, similar grants were awarded by the Department of Youth Services, the Office for Children, the Department of Public Welfare, and the Department of Education. He said that Massachusetts had no interdepartmental coordination of juvenile delinquency efforts at the State level and no comprehensive plan to attack the problem. No one was taking an overall view of the juvenile delinquency problem to see what was needed.

The Office for Children was created to serve as an advocate for children and to coordinate and monitor children's

services throughout Massachusetts. It is trying to do this by working closely with line agencies to strengthen their capacities to carry out their legislative mandates, to develop their programs, to improve their management practices, and to more effectively coordinate with their sister agencies. Its activities are to also include the development of standards and the licensing of day care, foster care, group care, and adoption placement agencies.

The Office for Children is helping such agencies as the Departments of Public Welfare, Youth Services, Mental Health, and Public Health plan for activites. However, it is just getting started in its efforts. According to the Office's Director of Planning and Project Management, the State planning agency has asked the Office to become involved in planning and evaluating some of its programs locally. The Office has verbally agreed to help but has made no effort yet.

The Office for Children is set up to provide services through an interdepartmental approach. It has in each of its seven regional offices an interdepartmental team of professional staff members from the Departments of Youth Services, Public Health, Public Welfare, and Mental Health. The team is to receive referrals of cases that do not come under the specific jurisdiction of existing agencies. It prepares a service plan and first attempts to get an existing State agency to accept responsibility for providing the needed services. If this is not possible, the team authorizes the expenditure of direct service funds from the Office for Children.

In September 1973 a group of representatives--including doctors, probation officers, teachers, and various State personnel within a court clinic--informed the heads of the Department of Youth Services, the Department of Mental Health, the Department of Public Welfare, and the Office for Children that:

> "* * * the absence of appropriate planning on the part of the combined agencies sets a model of delinquent behavior on our part that is disastrous when amplified through the inner mechanisms of these severely delinquent prone and in our opinion, mentally ill people. Our buck passing is felt to constitute such a delinquency encouraging attitude that is reflected onto the delinquents."

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Lack of awareness

One of the reasons for the lack of planning for the prevention of juvenile delinquency was that the officials of the State agencies were not aware that their programs might impact on the problem. Except for the agencies and programs which specifically address juvenile delinquency, the officials generally were not aware that their programs could play a role in juvenile delinquency prevention and did not administer them with that intent.

In Colorado, officials of the Department of Education could not agree on whether the Elementary and Secondary Education Act programs were related to delinquency prevention. One official told us that the programs were not conceived, planned, administered, or evaluated with the intent of having an impact on juvenile delinquency, although the programs could tangentially affect the problem. Another official told us that the programs do affect delinquency to the extent that they reduce dropout rates. A division director of the Colorado State Board for Community Colleges and Occupational Education told us that, if a correlation exists between reducing dropouts or providing youth with a marketable vocational skill, then the programs would impact on the juvenile delinquency problem. However, generally the effect on delinquency is not known, since the programs are not evaluated in those terms.

The Colorado Department of Social Services received about $87 million under five programs the Interdepartmental Council considered to be related to youth development and juvenile delinquency. Both the Director of Public Welfare and the Director of Rehabilitation told us that these programs could affect the juvenile delinquency problem; however, the programs were not administered with that intent. The Department did not consider delinquency problems when setting program priorities.

State officials in Massachusetts made similar remarks. Only officials of LEAA's State planning agency and the Department of Youth Services, both of which serve delinquent youth, regarded their programs as specifically related to juvenile delinquency. Officials from other agencies which deal with youth do not see themselves as being involved with juvenile delinquency. For example, an official of the Massachusetts Department of Mental Health stated that the Department is concerned with the mental health of all youth, but it does not consider itself as being involved with juvenile delinquency. An official of the Department of Public Welfare said that, although the Department had some residential treatment

care programs which could be treating potential delinquents, it did not generally consider any of its programs to be related to juvenile delinquency. An official of the Department of Education said that the Department's programs were oriented primarily toward educating children and young adults and that any juvenile delinquency prevention or control efforts would be incidental to that.

Little evaluation geared to juvenile delinquency

Few of the State agencies we visited evaluated their programs to learn how they affected the juvenile delinquency problem. The State planning agencies in Colorado and Massachusetts contracted for their program evaluations. The evaluations of the Colorado State Planning Agency's programs show the impact on juvenile delinquency mainly through changes in recidivism rates. In 1973 the Massachusetts State Planning Agency contracted with a private agency to evaluate 15 of its juvenile delinquency projects. According to the director of evaluations for the State planning agency, the evaluations were descriptive and not oriented to results. The director stated his agency had not determined whether its projects were successful in reducing or controlling juvenile delinquency. Projects continue to be funded solely because they appear cost effective and thus discontinuance cannot be justified.

The Department of Youth Services in Massachusetts has evaluated some of its juvenile delinquency programs. Since 1969 it has evaluated the effectiveness of programs sponsored by several agencies from which it purchased services. It has stopped purchasing services from two agencies as a result of the evaluations. The director of evaluations stated that results are usually disseminated only within the Department.

LOCAL LEVEL

Denver

Approximately 175 agencies were serving youth in Denver in 1973. Before that, many of the agencies were not aware that others offered similar services. Many had not worked together. Officials of nearly every local agency we interviewed said the Federal Government contributed to the fragmented approach; most said the reason for this was its funding but not coordinating many small categorical programs. They overwhelmingly believed an overall Federal youth strategy was needed. Categorical grants often carry many restrictions as to how the funds must be spent. Nearly everyone said that

the availability of Federal funding, rather than need, often suggested local priorities.

LEAA had one and HEW had two federally funded efforts to coordinate the activities of the youth-serving agencies. One of the HEW-funded projects, a citywide youth services system, did not normally provide direct services to youth but was designed to coordinate activities to bring about greater efficiency and better services to youth. The other HEW-funded project and the LEAA-funded project were trying to coordinate the delivery of services to youth.

In July 1973 the Denver mayor created the Mayor's Commission on Youth to coordinate the youth activities in the city. The office of the mayor is the grantee and coordinator of the HEW-funded commission, which is the citywide youth service system in Denver. The commission's primary mission is to prevent juvenile delinquency through youth development by coordinating the city's existing youth-serving agencies to provide more efficient and effective services and to facilitate favorable institutional change at the administrative level. These actions are to increase youth access to socially acceptable and personally gratifying roles, reduce negative labeling of youth by social institutions, reduce youth alienation, and develop needed direct services for youth.

The other HEW-funded project, the Westside Youth Development Project, was established to coordinate the delivery of services to all youth and thereby prevent delinquency and divert known delinquents within a specific location in Denver.

The third major coordinating effort in Denver was operated by the Denver Anti-Crime Council. It has developed a network of nine youth-serving projects that received about $1.7 million under LEAA's Impact Cities program. The program is an intensive planning and action effort to reduce the incidence of stranger-to-stranger crime (including homicides, rapes, aggravated assaults, and robberies) and burglary in eight cities by 5 percent in 2 years and 20 percent in 5 years.

The Council's projects differ from those funded by HEW in that they primarily serve youth who have already been apprehended. Three of these projects are youth service bureaus that receive delinquent youth, primarily from the police and juvenile court, and refer them to one or more of the remaining six agencies in the local LEAA network or to one or more of the other agencies serving youth in Denver. The youth are tested by the youth service bureau psychologists or test data is gathered from the schools, juvenile court,

police, or welfare office to assess their problems and needs. The bureaus become advocates for the delinquent youth and closely followup on all referrals made to other agencies.

Problems in achieving coordination

The Mayor's Commission on Youth had difficulty achieving coordination in Denver. To prevent juvenile delinquency, the commission used a systems approach to institutional change in which agencies had to work together. Cooperation was not easily achieved, however, whenever the commission had to tell the agencies to change their approach in dealing with youth. The commission recognized this and spent much of fiscal year 1974 trying to bring agencies together and familiarize them with each other and with itself. The commission hoped that the agencies would eventually formally agree to work together.

The commission's task is compounded by its lack of legal authority over certain agencies. Many are nonprofit corporations that are not responsible to the mayor and thus do not have to work with the commission. It has to operate through persuasion, which often achieves results only after developing a solid trust relationship. In addition, the Colorado Constitution has separated the schools and courts from political control, and they too are not responsible to the mayor. Consequently, the commission must also use persuasion to achieve coordination with the schools and courts.

Aside from getting the agencies' assurances that they will work together, the commission's primary accomplishments in fiscal year 1974 were (1) completing surveys identifying youth needs and agencies that offer services to youth and (2) developing task forces dealing with some of the most pressing needs--employment, recreation, runaways, and truancy. Although the survey of agencies has been completed, the commission has not published the results because it does not feel all of the information received is reliable. Although the recreation, runaway, and truancy task forces had each met several times during our survey, no problem-solving proposals or guidelines resulted because they had not been in existence long enough. The employment task force, however, had developed and was implementing a plan aimed at working with employers, job development agencies, schools, and youth referral agencies to try to provide summer jobs for 400 high school youths.

Planning for youth activities in the city was not centralized. The commission and the Denver Anti-Crime Council were two of the major agencies involved in citywide

planning for youth development and delinquency control. Each agency was aware of the other agency's activities, but coordination of their activities was limited. According to a commission official, each city executive agency had its own grant writer in addition to the grant writers for the numerous private and State agencies. The council's assistant director said that the council was limited in its freedom to cooperate with the commission because the council and its projects were concerned primarily with "impact" crimes and offenders, not all youth. He said he did not coordinate his activities with HEW, HUD, the Department of Labor, or the Office of Economic Opportunity.

The delivery of services for predelinquent and delinquent youth in Denver has had some systematic coordination. However, no significant coordination has occurred in the planning and funding of youth activities. The 175 agencies still individually plan activities and receive funds for them from whatever Federal, State, and local sources they can find.

Boston

Boston had over 200 public and private agencies that could deal with youth and therefore affect juvenile delinquency. The two primary city agencies were the Youth Activities Commission and the Mayor's Safe Streets Act Advisory Committee. Others included the Boston Police Department, Boston School Department, Boston Juvenile Court, and Action for Boston Community Development.

The Massachusetts legislature established the Youth Activities Commission to prevent or reduce the incidence of delinquency in Boston. It operated five LEAA-funded Youth Resource Centers which tried to maximize referrals from the police, courts, and schools and reduce recidivism among juveniles and act as a focal point for community delinquency prevention efforts. According to the director of the Youth Activities Commission, 50 to 70 percent of the clients at the centers have been arrested previously. The Youth Activities Commission also conducted a number of special projects and summer programs aimed at delinquency prevention and acted as the conduit for funds from the State Department of Youth Services to various private social agencies for delinquency prevention programs. In this capacity, it was designated prime contractor and is responsible for the general administration of these programs, including monitoring, evaluation, and fiscal accountability.

The Mayor's Safe Streets Act Advisory Committee is LEAA's planning agency for the city of Boston. Its strategy is to fund programs that provide services that existing institutions, such as courts, police, and schools should but are unable or unwilling to provide. The committee is designed to effect changes in these institutions' attitudes toward predelinquent and delinquent youth.

Programs and funding

Because of the number of programs that could affect the delinquency problem and the diversified sources of funding, we were not able to determine the total Federal, State, local, and private resources affecting delinquency prevention and control in Boston. However, the following are indicative of some of Boston's activities.

The Boston Youth Advocacy Program is the Mayor's Safe Streets Act Advisory Committee's juvenile delinquency program. Its main emphasis is to try to divert juveniles from the justice system. For fiscal year 1974 LEAA, through the State planning agency, granted the Advisory Committee a total of $660,895. In addition, the State provided $36,105. The Youth Advocacy Program provided overall funds for eight projects.

In addition to operating five Youth Resource Centers throughout Boston, the Youth Activities Commission conducted a number of special projects and summer programs aimed at delinquency prevention. We estimated its local funding for fiscal year 1974 at about $1.9 million, including $711,000 from the city, $271,607 from the State, $865,000 from Federal agencies, and $22,000 from private sources. In addition, the National Institute of Mental Health in July 1973 conditionally awarded it a categorical grant of $1,180,177 for developing and coordinating a juvenile drug program. It has yet to receive the money. (See p. 47.)

The State planning agency has awarded the Boston Police Patrolmen's Association a grant of $37,895 for a recreation program. It consists of a summer camp where disadvantaged youth can meet police officers in a relaxed atmosphere. It also awarded the Boston Police Department, through the Youth Activities Commission, a grant of $31,263 for a Police Liaison Project. The project is a joint effort of the department and the commission, and caseworkers and juvenile officers work together in helping youths obtain needed services.

A Boston School Department official advised us that, because most school programs could have an effect on delinquency, it is impossible to determine the amount of Boston school

system funds used to prevent juvenile delinquency. HEW, however--under the Elementary and Secondary Education Act's title III--awarded the Department $50,000 and $60,000 for fiscal years 1973 and 1974, respectively. The funds were for a crisis prevention program that was to include delinquency prevention.

Through its Model Cities program, HUD provided $170,855 for two ongoing projects, a drug abuse project ($71,698) and a youth development project ($99,157).

The Office of Economic Opportunity has awarded the Action for Boston Community Development $558,916 for youth programs. These programs, involving various services, operate in 11 neighborhoods throughout Boston.

Many private social agencies, such as the Boston Children's Service Association, work with children and youth. One program, Project Juvenile, deals specifically with delinquents. It offers such services as tutoring, medical and psychiatric help, counseling, and emergency placement for youth who have appeared before the Boston Juvenile Court. In fiscal year 1974 the Massachusetts Department of Public Welfare gave the Association $603,872 to conduct this project.

The United Community Services, in conjunction with the Massachusetts Bay United Fund, funds over 200 agencies offering various services, some of which can impact on the juvenile delinquency problem. The agency's total income for 1972 was about $10 million.

The Tufts-New England Medical Center operates the Anchor Worker Project which offers intensive counseling to troubled youth. Each child is assigned a caseworker who counsels the child and refers him to needed services. For fiscal year 1974 the program received a total of $255,000 as follows: $90,000 from the Office of Youth Development in HEW, $70,000 from LEAA, $12,500 from the Department of Youth Services, $12,500 from the Office for Children, and $70,000 from the Tufts-New England Medical Center. Officials consider the program to be a long-term delinquency prevention effort.

Problems in achieving coordination

Boston had no comprehensive coordination in the planning, funding, monitoring, or evaluation of juvenile delinquency and youth-related projects. No single organization had identified available resources for youth, youth needs, and gaps in the resources and developed one or more strategies to prevent and control juvenile delinquency. Individual

agencies have, however, worked with others in jointly funding delinquency projects and in coordinating planning efforts.

Several agency officials believed that the Federal Government's fragmented approach to delinquency prevention and control contributed to the fragmented approach at the local level. For example, one said his office was not aware of all Federal funds available to combat juvenile delinquency because a number of Federal agencies are involved. Another said that diverse Federal funding sources tend to encourage local project directors to take a parochial view toward the delinquency problem.

No single city agency had formulated comprehensive plans to address Boston's juvenile delinquency problem. Most efforts were made on an individual or one-shot basis. For instance, the Youth Activities Commission did seek funds from and had submitted to the Advisory Committee juvenile delinquency prevention or control project proposals. They maintained contact to avoid duplicating projects.

According to the Advisory Committee's Juvenile Delinquency Grants Manager, Boston has a need for a concentrated attack on delinquency. He believes a central planning agency would (1) reduce the number of grant requests submitted to various Federal agencies, (2) reduce administrative expenses, and (3) make more funds available for direct services to juveniles.

The Advisory Committee coordinated to a limited degree with some city, State, and Federal agencies in planning and funding juvenile delinquency programs. Officials attempted to establish comprehensive planning with the State planning agency, but the effort, for reasons unknown to them, was subsequently terminated. The Advisory Committee has jointly funded juvenile delinquency projects with various city agencies and maintains contact with the Youth Activities Commission to insure that projects are not duplicative.

The Boston School Department has received HEW grant money for its Crisis Prevention program, but it does not formally coordinate with anyone in planning, funding, monitoring, or evaluating juvenile delinquency projects. Similarly, Boston Juvenile Court's chief probation officer stated that, despite the court's implementation of the Department of Public Welfare's Project Juvenile and its cooperation with the Citizens Training Group project personnel in referring youths, the court does not cooperate with anyone in planning, funding, monitoring, or coordinating juvenile delinquency projects.

No concerted effort was underway to identify all available youth resources, youth needs, gaps in serving youth needs, and possible duplication. However, individual agencies, including the Youth Activities Commission, the Advisory Committee, and private social agencies, have identified residential facilities, detention facilities, alternative education programs, job placement programs, family counseling, vocational training programs, and legal services as some of the more pressing needs of delinquent and predelinquent youth. According to Department of Youth Services and Advisory Committee officials, few of these needs are being adequately satisfied.

An Advisory Committee official acknowledged the need for additional research into the causes of delinquent behavior, the number of juveniles involved, and the services best suited to remedy the situation. Officials of the Youth Activities Commission also believe that research is needed, particularly at the neighborhood level, on the needs of youth and the causes of delinquency. Officials of several private social agencies also indicated a need for additional research.

Several city and private agency officials stated that city, State, and private agency activities duplicate and overlap each other; however, they did not consider it serious, since delinquent and predelinquent youth's needs are great and the resources limited.

Current plans for formal coordination

Two current attempts to formally coordinate juvenile delinquency activities in Boston are the Treatment Alternatives to Street Crime-Juvenile program and the Fields Corner Delinquency Task Force Committee. Neither was operational at the time of our fieldwork.

In December 1972 representatives from the Special Action Office for Drug Abuse Prevention, the Massachusetts Office of Human Services, and Boston's Coordinating Council on Drug Abuse met to discuss a Boston proposal for a juvenile drug abuse program. The discussion centered on whether money available under the Treatment Alternatives to Street Crime program, an adult drug prevention program, could be used for a program to treat juveniles. As a result of the meeting, the Special Action Office instructed the Boston representatives to develop a national pilot program for juveniles titled Treatment Alternatives to Street Crime-Juvenile. The Youth Activities Commission was selected to manage the grant.

In developing the program, officials of the Youth Activities Commission found that many juvenile drug users were also delinquents; it then revised its proposal from a purely juvenile drug diversion program to a juvenile delinquency prevention program.

The Special Action Office informed the Youth Activities Commission that the project's source of funding was changed in May 1973 from LEAA to the National Institute of Mental Health. On June 4, 1973, the Youth Activities Commission submitted a $1,180,177 proposal to the Special Action Office. On July 19, 1973, the Institute conditionally awarded the full amount.

Under the proposal, Boston has developed and proposed to implement a service delivery system for juveniles. Information on services and needs was solicited from over 200 public and private social organizations and interested individuals. The program is intended to fill a gap in the availability of services for Boston's youth. Another purpose is to take the best knowledge of youth service procedures and policies and use it in a valuable and cost-beneficial demonstration of youth services.

Specific goals of the program are to reduce entry and reentry into the juvenile justice system, coordinate and make best use of existing services, avoid duplication, and minimize the potential discrimination inherent in many services' need to define "target population" (which labels potential service recipients). As of May 31, 1974, the program had not been implemented.

Another planned effort which may have some impact on the juvenile delinquency problem is that of the Fields Corner Delinquency Task Force Committee. Dorchester is the single largest community in Boston, and it has a serious juvenile delinquency problem. The Fields Corner neighborhood area has had various delinquency prevention programs at different times. At the time of our fieldwork, an estimated 21 groups were providing services to youth, 13 of which united to form the Task Force Committee to better coordinate their efforts and to advance joint planning and decisionmaking. To do this, it has applied for a $10,000 grant from the Advisory Committee to be used to hire an independent researcher to determine the extent to which existing services are meeting needs. The application was being processed at the time of our fieldwork. The Task Force Committee intends to identify each member's resources and, on the basis of the research data plans, to narrow existing service gaps by comprehensively coordinating their juvenile delinquency efforts.

The Federal and local juvenile delinquency efforts in Boston were summarized in a letter from the director of the Delinquency Prevention Program, Tufts-New England Medical Center Hospital, to a Senator in 1973. It reads, in part:

> "Funding for programs to meet this problem [juvenile delinquency] has been fragmented through several federal agencies. There is no single agency with adequate funding to develop coordinated and integrated services for the children and youth who have developed anti-social modes of behavior, much less services that attempt to prevent and intervene early in delinquent behavior. The lack of such a commitment by the federal government is reflected at the local level.
>
> "We believe that this situation holds true for all services to children. Health, welfare, education, rehabilitation and social services for children are scattered through many governmental agencies, often leading to fragmentation, duplication and poor coordination. Too often the children who need these services the most do not receive them or, at best, receive them in a hit or miss fashion. We have had the experience more than once of an agency informing us that certain parts of a proposal for funding integrated services to children belongs to another agency or that no funds are available. * * * We would like to recommend a commitment on the part of our government to fund adequately comprehensive, integrated and coordinated services to children through a single agency."

CONCLUSIONS

State agencies receive substantial amounts of Federal funds for programs which could affect juvenile delinquency. However, there was a general lack of goals, strategies, or priorities as to how to prevent or reduce juvenile delinquency.

There was very little evidence of a conscious, comprehensive, coordinated effort by State agencies to deal with delinquency. Much of the lack of coordination by State agencies is caused by the lack of coordination by the Federal agencies which administer these programs.

In Colorado the Federal Government contributed to the problem by providing funds to three agencies with similar objectives and activities.

The greatest impact on the juvenile delinquency problem is made at the local level where the community's resources are used to serve youth. In launching a coordinated attack to prevent and control juvenile delinquency, the basic areas for action, as suggested by the 1962 report of the President's Committee on Juvenile Delinquency and Youth Crime, appear to be as valid today as they were 13 years ago. The committee believed that, among other things, planning and programing were inadequate and should be improved if a significant impact was to be made on the problem. The same factors still need to be addressed more effectively.

CHAPTER 6

NEW LEGISLATION PROVIDES FOR IMPROVEMENTS

The Federal Government has largely relied on a variety of antipoverty, social and welfare, education, and employment programs to help improve and upgrade the standard of living and, at the same time, hopefully attack the root causes of juvenile delinquency.

Specific efforts to address the juvenile delinquency problem have been limited to either planning and funding programs outside of the justice system or programs within the justice system. They have not been used in conjunction with each other because of the legislation of the Federal agencies involved. No effective mechanism has been developed for planning and funding programs and projects across functional lines.

The Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), enacted on September 7, 1974, if properly implemented, should contribute significantly to the prevention and control of juvenile delinquency and improve the Federal Government's coordination of such efforts. The law provides increased visibility to the problem and a focal point for juvenile delinquency activities in the Federal Government by creating an Office of Juvenile Justice and Delinquency Prevention within LEAA. This will be the first organizational unit that can identify existing and needed resources, identify and set priorities, and develop strategies to implement a comprehensive attack on juvenile delinquency. Also for the first time, specific efforts to both prevent and control juvenile delinquency will be one agency's responsibility. This should provide for innovative prevention programs.

The law also establishes within the Office a National Institute for Juvenile Justice and Delinquency Prevention to provide ongoing research into new techniques for working with juveniles, to serve as a national clearinghouse for information on delinquency, and to offer training to personnel who will work with juveniles.

To make the executive agencies more accountable, the law provides for a series of requirements which should help focus Federal efforts more precisely and increase Federal, State, and local officials' awareness of their roles in the prevention and control of juvenile delinquency. The LEAA Administrator is required to submit two annual reports

to the President and the Congress--one analyzing and evaluating Federal juvenile delinquency programs and recommending modifications to any Federal agency's organization, management, personnel, standards, or budget requests to increase juvenile delinquency program effectiveness and the other containing a comprehensive plan for the programs. The President, within 90 days of receiving the report containing recommendations, must report to the Congress and the Coordinating Council detailing the action he has taken or anticipates taking.

In the reports to the President and the Congress, the LEAA Administrator is also required to submit information in each of the first 3 years which would, in each year,

--enumerate specific criteria to be used to identify specific Federal juvenile delinquency programs,

--identify specific Federal juvenile delinquency programs, and

--identify the procedures to be used in submitting juvenile delinquency development statements by Federal officials whose programs the Administrator has identified.

If Federal programs are to be coordinated, specific programs will have to be identified as significantly helping to prevent and control juvenile delinquency. If not, virtually every Government social and welfare, education, and employment program will need coordinating. Once relevant programs and agencies are identified, all appropriate officials should be notified that planning for youth development and juvenile delinquency prevention and control should be addressed.

Provisions have been made for improving the coordination of Federal juvenile delinquency programs, policy, and priorities. The law establishes a Coordinating Council on Juvenile Justice and Delinquency Prevention as an independent executive branch organization of persons who exercise significant decisionmaking authority in their respective Federal agencies. It authorizes staff and funds for adequately carrying out Council functions.

The law also establishes a National Advisory Committee for Juvenile Justice and Delinquency Prevention whose duties include making annual recommendations to the LEAA Administrator on planning, policy, priorities, operations, and management of all Federal juvenile delinquency programs. Membership will include both government and

public representation to help insure broad expertise as well as new views on methods to combat juvenile delinquency.

The law authorizes new programs of delinquency prevention, diversion from the juvenile justice system, and community-based alternatives to traditional incarceration. It also requires LEAA's State planning agencies and regional planning units to include representatives of citizen, professional, and community organizations related to delinquency prevention. This will help insure that not all programs will emphasize law enforcement and that prevention programs will be developed to prevent juveniles from entering the justice system rather than preventing recidivism.

CHAPTER 7

MATTERS FOR CONSIDERATION BY THE CONGRESS

The Juvenile Justice and Delinquency Prevention Act of 1974 was enacted a few months after we completed our review. Consequently, it was too early for us to determine how the executive branch was implementing the act and, on the basis of such an assessment, to recommend to the appropriate officials ways to improve implementation.

The Congress, however, clearly expressed its intent to exercise oversight over the implementation and administration of the act. Therefore, although we do not have any specific recommendations to make, we believe the Congress may wish to consider and discuss several interrelated issues with the executive branch.

NATIONAL STRATEGY

The Congress may want to examine the way LEAA is developing a national juvenile delinquency strategy. Many factors should be considered in developing such a strategy, but perhaps the most basic is the emphasis that the Nation should give to delinquency prevention or rehabilitation programs. Should the emphasis be on preventing children from committing delinquent acts or on reducing recidivism?

Considerable effort, in past years, has been aimed at reducing recidivism for both adults and youth. Because recidivism among juveniles is extensive, past efforts at reducing it need to be assessed to shape future planning and programing.

Also important is the consideration of how and when Government should intervene to prevent delinquency. Should primary efforts be focused in the schools or in the home or should special institutions and organizations be established to address the problem? At what age group should programs be directed? How should resources be mobilized?

In examining LEAA's actions to develop a national strategy, the Congress may wish to discuss with LEAA questions similar to those noted above. It is probably unrealistic to expect that such a strategy could be developed to the point where other Federal agencies' and the States' fiscal year 1976 juvenile delinquency funding decisions could be based on such a strategy, especially since no such plan existed before the 1974 act was passed. Such a

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strategy should be developed, however, during fiscal year 1976 and should affect fiscal year 1977 funding decisions.

The Congress may want to investigate the means used to develop the national strategy, including the methods developed to determine needs and priorities at various levels and the type of analyses and evaluations made of Federal agencies' programs. The Congress could appropriately study the criteria used to identify juvenile delinquency characteristics and prevention and those applied to Federal juvenile delinquency programs.

COMPREHENSIVE STATE PLANS

The State plans, which determine how most of LEAA funds will be spent on juvenile delinquency, will have to be closely related to the national strategy to achieve a coordinated effort to combat juvenile delinquency. Therefore, the extent to which the State plans reflect the national strategy will depend, in part, on the timeliness with which the national strategy is completed.

The State plans must be comprehensive to insure that all pertinent issues are addressed and that all available resources are used best and most effectively. The Omnibus Crime Control and Safe Streets Act, as amended, requires the State plans to include priorities and comprehensive programs for improving juvenile justice before they may be approved. However, LEAA has not given the States specific guidelines for developing this portion of the plans.

The guidelines the States do have are very limited and require the State plan to include a summary page giving a page reference to all pertinent text and data relevant to the State planning agency's and other State agencies' juvenile justice activities.

LEAA and the States are developing guidelines to improve juvenile delinquency planning; these should affect how fiscal year 1976 funds are spent. The Congress may want to examine the adequacy of the States' fiscal year 1976 juvenile delinquency plans in terms of meeting the requirements noted in section 223 of the 1974 act and the extent to which they reflect the national strategy at a time that would permit implementation of any needed improvements before fiscal year 1977 plans were developed.

COORDINATION

The Congress also may want to examine the extent to which LEAA is able to effectively implement certain provisions of section 204 of the act, such as (b)(2), (4), and (f), which basically give LEAA authority to coordinate and direct certain juvenile delinquency-related efforts of other Federal agencies. LEAA's effective use of such authority and other agencies' acceptance of it is essential if Federal efforts are to be truly coordinated.

The State plans submitted to LEAA for approval must be comprehensive and address the need to coordinate State and local efforts. This should include providing for coordination of juvenile delinquency programs in such areas as education, health, and welfare. If not, most funds will probably continue to be spent in a relatively uncoordinated way, as in Colorado and Massachusetts during our review.

Such coordination should become a reality for fiscal year 1977, once LEAA has developed a national strategy and the States have made funding decisions based on comprehensive juvenile delinquency plans.

FUNDING

A basic issue which could be addressed is the extent to which the executive branch will request and allocate funds to adequately implement the act. The Administration did not request any new funds to implement the act for either fiscal year 1975 or 1976. Limited funding would almost preclude adequate implementation.

For example, some State criminal justice planning agencies (which are responsible for developing other LEAA plans as well as plans under this act) apparently are not able to develop adequate, comprehensive plans for spending other LEAA funds. Yet these same agencies are also required to develop more plans since the 1974 act was passed. Plans may be noncomprehensive because of inadequate funding of planning efforts or because of the way LEAA and the States have worked together in terms of common purposes and agreed objectives. But the 1974 act gives specific, more extensive emphasis to juvenile issues which may well require additional funds for adequate accomplishment.

Accordingly, the Congress may want to examine the extent to which the executive branch is willing to request funds to implement the act. Since juveniles account for

almost half the arrests for serious crimes in the Nation, adequate funding of the Juvenile Justice and Delinquency Prevention Act of 1974 would appear to be essential in any strategy to reduce the Nation's crime.

Section 544 of the 1974 act amends the Safe Streets Act of 1968, as amended, to require at least the same level of financial assistance for juvenile delinquency programs from law enforcement appropriations as was expended during fiscal year 1972. Because of the Administration's proposed budget cuts to LEAA's program, the Congress may want to look for the fulfillment of this requirement during any hearings held on the funding issue.

CHAPTER 8

AGENCY COMMENTS

DEPARTMENT OF JUSTICE

By letter dated April 4, 1975, the Department stated that it generally agreed with our findings regarding the need to address the problem of coordinating the many Federal, State, and local programs which could affect juvenile delinquency prevention and control. (See app. I.)

While recognizing its responsibilities to improve coordination as a result of the Juvenile Justice and Delinquency Prevention Act of 1974, the Department pointed out two conditions which may impede its efforts.

The Department has interpreted "New Federalism" to mean that it is "restrained from imposing substantial guidelines and definitions other than those implementing statutory requirements and statutory standards upon State and local law enforcement and criminal justice operating agencies." It did note, however, that it attempts to utilize more indirect means, such as funding incentives and training, to encourage movement in this direction.

The second condition relates to the aggressiveness with which the Office of Management and Budget (OMB) actively encourages coordinated planning through its funding and oversight responsibilities. The Department stated that it looked forward to the assistance of OMB, in its role as an oversight body, to support its efforts in implementing any national strategy to resolve juvenile justice issues.

This observation is very important in terms of how effectively LEAA is able to implement certain provisions of section 204 of the act, which basically give LEAA authority to coordinate and direct certain juvenile delinquency-related efforts of other Federal agencies. This is an area that we suggested the Congress examine. (See p. 56.)

Regarding actions already taken to implement the act, the Department stated that LEAA had begun developing a national strategy for the effective coordination of juvenile delinquency activities and had established written objectives for implementing and administering the act. Because LEAA was faced with the complexities inherent in development of a new office without an appropriation, it created a Juvenile Delinquency Task Group and gave it responsibility for both on going LEAA juvenile justice activities under the

Crime Control Act of 1973 and planning and developing activities associated with the implementation and administration of the 1974 act. The Department spells out in some detail actions already taken by the task group on pages 63 to 65.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

On April 3, 1975, we discussed our findings and conclusions with HEW officials responsible for administering its juvenile delinquency prevention program. They generally agreed with our findings and conclusions.

They pointed out, however, that coordinating juvenile delinquency efforts is difficult and requires cooperation at all levels of government, particularly at the local level. They also expressed concern, based on HEW's previous experiences, about the ability of LEAA to effectively coordinate Federal juvenile delinquency programs unless there is a commitment at the highest levels of the Federal Government to develop specific goals in the area and agreement in the legislative and executive branches as to the emphasis the goals should take.

The officials also noted that since enactment of the 1972 amendments to the Juvenile Delinquency Prevention and Control Act of 1968, about $35 million has been expended for developing a comprehensive network of youth services in the communities, linking together public and private agencies and organizations. At the same time, HEW has sought changes in the practices, policies, and procedures of these agencies and organizations to make them more responsive to youth's needs.

OFFICE OF MANAGEMENT AND BUDGET

On April 4, 1975, we discussed our findings and conclusions with an appropriate official of OMB. He stated that OMB generally agreed with our report. He also stated that, as indicated in his statement issued at the time he signed the 1974 act, the President supported the need for policy centralization and better coordination of the Federal Government's juvenile delinquency efforts.

STATE AND LOCAL AGENCIES

Colorado and Massachusetts State and local officials generally agreed with our findings and conclusions. In addition, Boston officials also noted that more attention could be directed to coordination at the local level, but that without more Federal interest in and support of this type of effort, real achievement will be difficult.

CHAPTER 9

SCOPE OF REVIEW

We reviewed the activities of the Office of Economic Opportunity and the Departments of Labor; Housing and Urban Development: Health, Education, and Welfare; and Justice to determine the type and extent of Federal efforts to prevent and control juvenile delinquency and the attempts made to coordinate these efforts. Also, we reviewed the impact of Federal activities in two States and cities. Work was done at the national level in Washington, D.C., and the regional, State, and local levels in Boston and Denver.

We interviewed officials and reviewed records at the 5 Federal agencies and interviewed officials at 2 Federal regional councils, 14 State agencies, 29 city agencies, and 17 Federal grantees. Our fieldwork generally was done between January and July 1974.

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

Address Reply to the Division Indicated and Refer to Initials and Number

APR 4 1975

Mr. Victor L. Lowe
Director
General Government Division
U.S. General Accounting Office
Washington, D.C. 20548

Dear Mr. Lowe:

This letter is in response to your request for comments on the draft report titled "Ineffectiveness of Federal Attempts to Coordinate Juvenile Delinquency Programs."

Generally, we agree with the report findings regarding the need to address the problem of coordinating the many Federal, State and local programs which could affect juvenile delinquency prevention and control. Furthermore, the brief historical overview of juvenile delinquency prevention and control progress presented in the report indicates that the Department will face a difficult challenge in its efforts to create a nationally coordinated approach.

The Juvenile Justice and Delinquency Prevention Act of 1974 authorizes the establishment of mechanisms within the Law Enforcement Assistance Administration (LEAA) to attack the coordination problem; but the Department foresees two conditions which may impede efforts in carrying out the provisions of the Act. These are:

1. The limited role of the Federal Government in establishing uniformly-defined national criteria; and

2. The aggressiveness with which the Office of Management and Budget (OMB) actively encourages coordinated planning through its funding and oversight responsibilities.

The first condition presents a serious policy problem. The Department has interpreted "New Federalism" to mean that it is restrained from imposing substantial guidelines and definitions other than those implementing statutory requirements and statutory standards upon State and local law enforcement and criminal justice operating agencies. For example, interpretation of exactly what constitutes a "juvenile" or a juvenile delinquency program varies among States and jurisdictions within States. An essential first step to coordinated planning is agreement regarding appropriate terminology. Although the Department is not authorized by law to establish such uniform definitions, it does attempt to utilize more indirect means such as funding incentives and training to encourage movement in this direction.

The second condition refers to a recurring theme throughout the report that fragmentation of effort on the State and local level is directly related to fragmentation of effort on the Federal level. The GAO report asserts that the Department of Health, Education and Welfare's Interdepartmental Council to Coordinate All Federal Juvenile Delinquency Programs "... has not met its mandate." The Council's efforts to bring about sustained inter-agency cooperation were impeded by the lack of adequate staff and funds and because the Council was not certain about the authority it had to coordinate Federal efforts in the juvenile delinquency area. We look forward to the assistance of OMB, in their role as an oversight body, to support our efforts in implementing any national strategy to resolve juvenile justice issues.

Through the authority vested in it by the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5601), LEAA has initiated a concerted effort to resolve many of the problems that have traditionally limited Federal efforts to coordinate juvenile delinquency programs. LEAA has already begun developing a national strategy for the effective coordination of these activities.

Written objectives have been established for implementation and administration of the Juvenile Justice and Delinquency Prevention Act of 1974. These objectives provide for development of the capability within LEAA to organize, plan for, and coordinate LEAA and Federal efforts aimed at supporting programs that will foster improvement in the juvenile justice system

and aid in the prevention of juvenile delinquency. These objectives also provide for development of a plan to establish a National Institute of Juvenile Justice and implement all other provisions of the new juvenile delinquency prevention legislation. In addition, special emphasis will be placed on the development of standards for juvenile delinquency.

On August 8, 1974, a task force was established to develop plans for integrating the new office of Juvenile Justice and Delinquency Prevention into LEAA. Task force membership included high level representatives from every division in LEAA.

Because LEAA is also faced with the complexities inherent in developing a new office without an appropriation, a Juvenile Delinquency Task Group has been established. The Task Group, under the leadership of a newly appointed Acting Assistant Administrator, consists of LEAA personnel who were working in the area of juvenile justice and delinquency prevention prior to the enactment of the new juvenile delinquency legislation. The Task Group has been delegated the authority and responsibility for both on-going LEAA Juvenile Justice activities under the Crime Control Act of 1973 and for the planning and development activities associated with initial implementation and administration of the Juvenile Justice and Delinquency Prevention Act of 1974. In addition, the Task Group has been delegated the responsibility for coordinating its functional activities with other LEAA offices and other Governmental agencies to avoid duplication of effort and ensure effective program delivery. Ten of the fifteen individuals on the Task Group are professionals, and the group has been allotted five additional temporary professional positions. To date, the operations of the Task Group have included such activities as:

1. Development of Guidelines. Guidelines are being developed in a variety of areas under the new legislation. The need for guidelines can generally be broken down into those which are required immediately and those that will be necessary for the proper implementation and administration of the new Act on a continuing and long-term basis. Among the guidelines required immediately are those (a) specifying the mechanism needed to meet the fiscal year 1972 level of funding as required by the new Juvenile Delinquency Act, and (b) assuring representation of individuals on the State advisory board who are knowledgeable of juvenile justice and youth programs.

2. Development of Fiscal Plans. Essentially, two fiscal plans have been developed to fund new juvenile justice programs. One involves $20 million of LEAA fiscal year 1975 discretionary funds, and the other involves $10 million of LEAA fiscal year 1974 reversionary funds.

   Public Law 93-415 authorizes $75 million to LEAA for implementing the Juvenile Justice and Delinquency Act of 1974. No new funds have been sought by the Department as the President, when signing the Act into law, indicated he would not seek new monies due to his policy of fiscal contraint. However, preliminary discussions to reprogram $10 million of reversionary funds for juvenile justice programs are currently underway among the Department, OMB and the Congress. The reversionary funds are intended to supplement the approximately $20 million in discretionary grant monies budgeted by LEAA in the juvenile area during fiscal year 1975.

   Actions are already underway to implement the plan involving LEAA discretionary funds. The primary thrust of this plan involves the deinstitutionalization of status offenders. This effort is designed to have a significant and positive impact on the lives of thousands of youths who are detained and/or institutionalized each year for having committed offenses which would not be considered criminal if committed by an adult.

   It is contemplated that the above plans will provide the necessary impetus to launch the juvenile justice program and enable the orderly and efficient use of funds under the new Act without requiring major amounts of current year funds or committing the Administration to substantial additional funding in future years. No effort can be made to begin a State formula grant funding activity under the new Juvenile Justice and Delinquency Prevention Act until funds are provided under the new legislation.

3. Development of a Work Plan. One of the first objectives of the Task Group was to develop a work plan for fiscal year 1975. This objective entailed reviewing and integrating the existing

juvenile delinquency work plans of LEAA's Office of National Priority Programs and National Institute of Law Enforcement and Criminal Justice.

4. Information Dissemination. As a means of disseminating information pertaining to provisions of the Act to affected and/or interested parties, a slide presentation has been developed. The slides have been used to orientate both central office and regional office personnel of LEAA, the Executive Committee of the State Planning Agency National Conference, and several public interest groups that have requested information about the new legislation.

5. Transfer of Functions from the Department of Health, Education and Welfare (HEW) to LEAA. There have been several formal meetings between the staffs of HEW and LEAA to facilitate the effective and orderly transfer of program responsibilities from HEW to LEAA in accordance with the new legislation and to lay the groundwork for further coordinating efforts.

In addition, the President has appointed 21 representatives to the National Advisory Committee on Juvenile Justice and Delinquency Prevention as mandated by the Act. The members of the Committee are scheduled to hold their first meeting April 24-25, 1975. The Interdepartmental Council established in the HEW Act and charged with the responsibility to coordinate all Federal juvenile delinquency programs has been replaced under LEAA's legislation with the Coordinating Council on Juvenile Justice and Delinquency Prevention. The first meeting of this council has been delayed due to the recent turnover in the President's cabinet. All relevant material has been sent to the Office of the Attorney General.

We appreciate the opportunity to comment on the draft report. Should you have any further questions, please feel free to contact us.

Sincerely,

Glen E. Pommerening
Assistant Attorney General
for Administration

APPENDIX II

APPENDIX II

PRINCIPAL OFFICIALS OF

THE DEPARTMENT OF JUSTICE AND THE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

RESPONSIBLE FOR ADMINISTERING ACTIVITIES

DISCUSSED IN THIS REPORT

	Tenure of office	
	From	To
DEPARTMENT OF JUSTICE		
ATTORNEY GENERAL:		
Edward H. Levi	Feb. 1975	Present
William B. Saxbe	Jan. 1974	Feb. 1975
Robert H. Bork (acting)	Oct. 1973	Jan. 1974
Elliot L. Richardson	May 1973	Oct. 1973
Richard G. Kleindienst	June 1972	May 1973
Richard G. Kleindienst (acting)	Mar. 1972	June 1972
John N. Mitchell	Jan. 1969	Feb. 1972
ADMINISTRATOR, LAW ENFORCEMENT ASSISTANCE ADMINISTRATION:		
Richard W. Velde	Sept. 1974	Present
Donald E. Santarelli	Apr. 1973	Aug. 1974
Jerris Leonard	May 1971	Mar. 1973
Vacant	June 1970	May 1971
Charles H. Rogovin	Mar. 1969	June 1970
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE		
SECRETARY OF HEALTH, EDUCATION, AND WELFARE:		
Caspar W. Weinberger	Feb. 1973	Present
Frank C. Carlucci (acting)	Jan. 1973	Feb. 1973
Elliot L. Richardson	June 1970	Jan. 1973
Robert H. Finch	Jan. 1969	June 1970
Wilbur J. Cohen	Mar. 1968	Jan. 1969
ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT:		
Stanley B. Thomas, Jr.	Aug. 1973	Present
Stanley B. Thomas, Jr. (acting)	Apr. 1973	Aug. 1973

	Tenure of office	
	From	To
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (cont'd)		
COMMISSIONER, OFFICE OF YOUTH DEVELOPMENT:		
James A. Hart	Sept. 1973	Present
Robert M. Foster (acting)	May 1973	Sept. 1973
Robert J. Gemignani	Jan. 1970	May 1973